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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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IN THIS ISSUE:

EMERGENCY RULES

Department of Labor and Industrial Relations	
Workers' Compensation	2467

EXECUTIVE ORDERS 2470

PROPOSED RULES

Office of Administration	
Design and Construction	2476
Division of Facilities Management	2478
Department of Economic Development	
Division of Credit Unions	2479
Public Service Commission	2479
Department of Labor and Industrial Relations	
Workers' Compensation	2486
Department of Public Safety	
Missouri Gaming Commission	2488
Department of Revenue	
Director of Revenue	2488
Department of Social Services	
Division of Medical Services	2498
Retirement Systems	
The Public School Retirement System of Missouri	2498
Department of Health and Senior Services	
Division of Senior Services and Regulation	2499
Department of Insurance	
Financial Examination	2502

ORDERS OF RULEMAKING

Department of Natural Resources	
Air Conservation Commission	2503
Department of Public Safety	
Missouri Gaming Commission	2504
Department of Revenue	
Director of Revenue	2505
Department of Social Services	
Family Support Division	2505
Elected Officials	
Secretary of State	2506
Department of Insurance	
Licensing	2506

IN ADDITIONS

Department of Economic Development	
Division of Credit Unions	2508

CONSTRUCTION TRANSIENT LIST 2509

DISSOLUTIONS 2521

SOURCE GUIDES

RULE CHANGES SINCE UPDATE	2522
EMERGENCY RULES IN EFFECT	2529
EXECUTIVE ORDERS	2531
REGISTER INDEX	2534

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
October 3, 2005	November 1, 2005	November 30, 2005	December 30, 2005
October 17, 2005	November 15, 2005	November 30, 2005	December 30, 2005
November 1, 2005	December 1, 2005	December 31, 2005	January 30, 2006
November 15, 2005	December 15, 2005	December 31, 2005	January 30, 2006
December 1, 2005	January 3, 2006	January 29, 2006	February 28, 2006
December 15, 2005	January 17, 2006	January 29, 2006	February 28, 2006
January 3, 2006	February 1, 2006	February 28, 2006	March 30, 2006
January 17, 2006	February 15, 2006	February 28, 2006	March 30, 2006
February 1, 2006	March 1, 2006	March 31, 2006	April 30, 2006
February 15, 2006	March 15, 2006	March 31, 2006	April 30, 2006
March 1, 2006	April 3, 2006	April 30, 2006	May 30, 2006
March 15, 2006	April 17, 2006	April 30, 2006	May 30, 2006
April 3, 2006	May 1, 2006	May 31, 2006	June 30, 2006
April 17, 2006	May 15, 2006	May 31, 2006	June 30, 2006
May 1, 2006	June 1, 2006	June 30, 2006	July 30, 2006
May 15, 2006	June 15, 2006	June 30, 2006	July 30, 2006
June 1, 2006	July 3, 2006	July 31, 2006	August 30, 2006
June 15, 2006	July 17, 2006	July 31, 2006	August 30, 2006
July 3, 2006	August 1, 2006	August 31, 2006	September 30, 2006
July 17, 2006	August 15, 2006	August 31, 2006	September 30, 2006
August 1, 2006	September 1, 2006	September 30, 2006	October 30, 2006
August 15, 2006	September 15, 2006	September 30, 2006	October 30, 2006

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 50—Division of Workers' Compensation
Chapter 5—Determination of Disability**

EMERGENCY AMENDMENT

8 CSR 50-5.060 Evaluation of Hearing [Impairment] Disability. The division proposes to delete sections (1), (23) and (24), to amend sections (2), (3), (5) through (7), (9) through (16), and (18) through (22), and renumber sections accordingly.

PURPOSE: *This amendment clarifies the decibel standards based upon the most current American National Standards Institute (ANSI) occupational hearing loss standards. Senate Bill 1 and 130 authorizes the division, by rule, to adopt any superseding ANSI occupational hearing loss standards with respect to frequencies and decibel standards for measuring hearing loss. This amendment adds the requirements for measuring work related hearing disability.*

PURPOSE: *The purpose of this rule is to establish the procedures to evaluate hearing [impairment] disability, setting forth methods for its measurement and calculation.*

EMERGENCY STATEMENT: *Pursuant to Senate Bill 1 and 130, the division is authorized, by rule, to adopt any superseding ANSI occu-*

pational hearing loss standards with respect to frequencies and decibel standards for measuring hearing loss.

This emergency amendment is necessary to protect the public health, safety and welfare of all interested parties. The division believes this emergency amendment to be fair to all interested parties as it provides guidance to the stakeholders regarding the ANSI occupational hearing loss standards with respect to frequencies and decibel standards for measuring hearing loss. Equally important, the division believes that failure to promulgate an emergency amendment will present the stakeholders with outdated procedures not in compliance with section 287.197, RSMo, as amended by Senate Bill 1 and 130. The outdated procedures will create confusion about how to measure work related hearing disability and increase the time and expense to resolve legal disputes in such cases.

*The division finds an immediate danger to the public health, safety and/or welfare and a compelling governmental interest, which requires this emergency action. This emergency amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the *Missouri* and *United States Constitutions*. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. This emergency amendment was filed October 20, 2005, effective October 30, 2005, expires on April 27, 2006.*

[(1) The Division of Workers' Compensation makes grateful acknowledgment for scientific advisory assistance in the preparation of this rule to the Central Institute for the Deaf, 818 South Euclid, St. Louis, Missouri, in particular to Dr. Hallowell Davis, its director of research, for his/her counsel and guidance, and to Dr. S. Richard Silverman, its director, who made available his/her own time and help and that of his highly qualified staff.]

[(2)] (1) The following are definitions relating to this matter and rule:

(A) Hearing loss—the general condition of reduced auditory sensitivity;

(B) Loss of hearing or threshold shift—a change for the worse in auditory sensitivity;

(C) Threshold—the weakest sound that can be heard;

(D) Decibel (dB)—a unit conventionally used to measure the magnitude of sound. In the testing of hearing, it is used to measure the threshold of a listener relative to the standard threshold (U.S. audiometers);

(E) Audiometer—a device for the measurement of the threshold of hearing in decibels relative to a standard;

(F) Hearing level or hearing threshold level—the reading on an audiometer in decibels corresponding to the threshold of hearing of the individual being tested;

(G) Frequency—the number of regular fluctuations made by a sound wave in one (1) second;

(H) Cycle—one (1) of a repeated series of regular fluctuations made by a sound wave;

(I) Audiogram—a chart showing hearing levels at different frequencies;

(J) Hearing [impairment] disability or [impairment] disability of hearing—a malfunction or abnormality of hearing of sufficient severity to constitute a practical handicap such as would justify compensation; particularly a reduction of efficiency in everyday communication by speech;

(K) Deafness—term reserved to designate very severe or total [impairment] disability of hearing; [and]

(L) Presbycusis—a loss of hearing occasioned by the aging process[.]; and

(M) "Hearing level" is a technical term that refers to the point (or threshold) in decibels when a testing sound is first detected by the listener. The "lowest hearing level," therefore, represents

best hearing not worst hearing. The “lowest measured loss,” therefore, is reflected by the lowest decibel rating at which the listener heard the test tone.

[(3)] (2) Weeks of compensation for hearing loss due to a traumatic incident (that is, a single accident such as an explosion, a blast or a blow on the head) shall be those provided in items 27 and 28 of subsection 1 of section 287.190, RSMo. **(Complete deafness of both ears—one-hundred eighty (180) weeks; complete deafness of one (1) ear, the other being normal—forty-nine (49) weeks.)**

[(4)] (3) Weeks of compensation for hearing loss due to prolonged exposure to harmful noise in employment (that is, an occupational disease) shall be those provided in subsection 3 of section 287.197, RSMo.

[(5)] (4) *[Either t/Traumatic occupational hearing loss(es) [due to occupational disease]* shall be measured as prescribed in section 287.197, RSMo and this rule.

[(6)] (5) When both ears show hearing *[impairment]* disability, the computation of *[impairment]* disability shall be on the basis of binaural loss as provided in subsection 5 of section 287.197, RSMo.

[(7)] (6) Liability for occupational hearing loss occurs only when an employee has been exposed to the hazard of such loss for a period of ninety (90) days or longer and **the loss** becomes exclusively that of the employer in whose employment such exposure took place *[(section 287.063-5)]*.

[(8)] (7) Each employer is liable for all of the occupational hearing loss to which his/her employment contributed, subject to the limitations of the measurement of hearing loss provisions, but no employer is liable for hearing loss sustained prior to employment with him/her nor for any hearing loss for which compensation previously was awarded or paid (section 287.197[-].8).

[(9)] (8) The date of disability of occupational hearing loss is the last day of a *[six (6)] one (1)*-month period following separation from the employment in which the employee was exposed to harmful noise (section 287.197[-].7).

[(10)] (9) Claim for compensation for occupational hearing loss, if maintained, must be made within *[one (1)] two (2)* years of the date of disability, as defined in section *[(9)] (8)* of this rule. The provision of medical attention and/or the payment of compensation will toll the statute, as in other workers' compensation cases (section 287.197[-].7).

[(11)] (10) Only pure-tone *[air-condition]* **air-conduction** audiometric instruments that meet the standards *[set by recognized authorities shall be used to measure hearing levels. The reference zero levels of the audiometer used for measuring hearing levels must be explicitly identified either as ASA-1951 (as given in USASI Standard for General Diagnostic Purposes, Z24.5-1951, United States of America Standards Institute, New York 1951) or as ISO (as given in International Organization of Standardization Recommendation R 389, Standard Reference Zero for the calibration of pure-tone audiometers). The corresponding identification must be attached to every decibel value of a hearing level employed in the evaluation of hearing impairment.]* calibrated to the American National Standards Institute (ANSI) occupational hearing loss reference level standards, including ANSI S 3.6, as referred to in section 287.197.2 shall be used for measuring hearing levels.

[(12)] (11) In the evaluation of hearing *[impairment]* disability, only the hearing levels at the frequencies of five hundred (500), one thousand (1,000) and two thousand (2,000) cycles per second shall be considered; provided, however, that if a subject does not hear the test tone at the ninety-five (95) decibel hearing level in any or all of the three (3) frequencies, the value of one hundred (100) decibels shall be used for such frequency(ies) in calculating the average hearing level.

[(13)] (12) Three (3) separate audiograms, each on different days, shall be made including at least the frequencies of five hundred (500), one thousand (1,000) and two thousand (2,000) cycles per second and the lowest hearing level measured at each of the three (3) frequencies shall be used for the computation of hearing *[impairment]* disability. The lowest hearing level at each of the three (3) frequencies shall be added together and the sum divided by three (3) to determine the average hearing level in decibels. If the audiograms show a lowest hearing level at any of these three (3) frequencies that is greater than one hundred (100) decibels, or else no response at all, the value of one hundred (100) dB shall be used for the level at such frequencies in calculating the average hearing level.

[(14)] (13) In order to allow for the average amount of hearing loss due to nonoccupational causes found in the population at any given age (including presbycusis), there shall be deducted from the average hearing level one-half (1/2) decibel for each year of the employee's age over forty (40) at the time of his/her *[last exposure to industrial noise]* audiogram. The result shall be termed the corrected average hearing level.

[(15)] (14) For every decibel that the corrected average hearing level exceeds *[fifteen (15) decibels based on the ASA-1951 reference levels or] twenty-six (26) decibels based on the [ISO] ANSI reference levels* an allowance of one and one-half percent (1 1/2%) shall be made up to the maximum of one hundred percent (100%) which is reached at *[eighty-two (82) decibels based on the ASA-1951 reference levels and at] ninety-three (93) decibels based on the [ISO] ANSI reference levels*. The allowance thus calculated is the monaural percentage *[impairment]* disability of hearing in that ear.

[(16)] (15) Binaural *[impairment]* disability of hearing shall be determined by multiplying the percentage of *[impairment]* disability in the better ear by five (5), to which result is added the percentage of *[impairment]* disability in the poorer ear and dividing the sum of the two (2) by six (6). The result is the evaluation in percentage of binaural hearing *[impairment]* disability.

[(17)] (16) No consideration shall be given to the question of whether or not the ability of an employee to understand speech is improved by the use of a hearing aid.

[(18)] (17) An employee may work in successive employments where s/he is exposed to harmful noise and sustain an accumulated hearing loss, only a part of which may be the liability of the last employer. Section 287.197[-].8, RSMo provides that an employer is liable only for the hearing loss to which his/her employment contributed. *[which provision requires a rule for the calculation of such proportional liability. The rule applies only to the first employer in whose employ the employee develops a compensable hearing impairment.]* Each subsequent employer who hires an individual who already has some hearing *[impairment]* disability is liable only for the additional *[impairment]* disability that develops in *[his/her employ] its employment*, subject to the correction according to age.

[(19)] (18) The best level of hearing at each of the three (3) frequencies of five hundred (500), one thousand (1,000) and two thousand (2,000) cycles per second is determined by selection from all available audiogram(s) made within six (6) months prior to or three (3) months after the date of employment, *[but in any case prior to work in a noisy environment]*. Earlier audiogram(s) may be used for this purpose only if none is available that were made during that nine (9)-month period.

[(20)] (19) The pre-employment average hearing level for the three (3) frequencies is calculated for each ear (section *[(13)] (12)* of this rule). *[If the decibel values are based on the ISO reference, zero (0) levels eleven (11) decibels shall be subtracted from the average hearing level to convert it to its ASA-1951 equivalent. The remainder of this section remains as originally written in terms of the ASA-1951 reference levels.]*

[(21)] (20) The correction for nonoccupational hearing loss (section *[(14)] (13)* of this rule) is applied by subtracting from the average hearing level for each ear one-half (1/2) decibel for each year of the employee's age over forty (40) at the time of his/her *[employment]* audiogram.

[(22)] (21) [Now if] If the corrected average hearing level of the pre-employment audiogram(s) in either ear exceeds *[fifteen (15)] twenty-six (26)* decibels, the percentage of *[binaural impairment]* disability is calculated as in sections (14) and (15) *[and (16)]* of this rule. The employer is liable for the difference in percentage of *[impairment]* disability between this value and the percentage of *[binaural]* hearing *[impairment]* disability calculated from post-employment hearing tests.

[(23)] But if the corrected average hearing level of the pre-employment audiogram(s) does not exceed fifteen (15) decibels in either ear, the corrected pre-employment averages are subtracted from the corresponding corrected post-employment averages for each ear. The difference (that is, the threshold shift during employment corrected for the age factor) is divided by the corrected post-employment average hearing level for each ear. This fraction represents the employer's share of liability for the impairment of hearing in that ear at the date of disability.]

[(24)] The percentage of impairment of hearing in each ear is multiplied by the fraction calculated for that ear to give the percentages of impairment in each ear for which the employer is liable. The binaural percentage of impairment for which the employer is liable is then calculated according to section (16) of this rule.]

AUTHORITY: section 287.650, RSMo [1986] 2000. Original rule filed Sept. 11, 1959, effective Sept. 22, 1959. Amended: Filed Aug. 18, 1967, effective Aug. 29, 1967. Emergency amendment filed Oct. 20, 2005, effective Oct. 30, 2005, expires April 27, 2006. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2004.

EXECUTIVE ORDER 05-38

WHEREAS, I have been advised by the Director of the State Emergency Management Agency that the State of Florida is requesting assistance under the Emergency Management Assistance Compact (EMAC) in response to Hurricane Wilma which has the potential to cause significant damage and the corresponding threat to the health and safety of the citizens of the State of Florida; and

WHEREAS, the State of Florida requests that Missouri provide military support, both personnel and equipment, beginning October 21, 2005, and continuing; and

WHEREAS, on October 21, 2005, I directed the Missouri National Guard to initiate efforts to comply with the State of Florida's request and any other request for the National Guard resulting from the hurricane response pursuant to the EMAC; and

WHEREAS, the EMAC is designed to protect the safety and welfare of the citizens in the affected participating EMAC states; and

WHEREAS, protection of the safety and welfare of the citizens in the affected communities requires an invocation of the provisions of Section 44.415, RSMo, which provides for emergency mutual aid with other states, and Section 41.480, RSMo, which authorizes the Governor to call out the organized militia as he deems necessary to provide emergency relief to a distressed area in the event of earthquake, flood, tornado or other actual or threatened public catastrophe.

NOW, THEREFORE, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by Section 44.415, RSMo and Section 41.480, RSMo do hereby declare that Missouri will implement the EMAC with the State of Florida to provide assistance because Florida anticipates the potential for significant damage and the corresponding threat to the health and safety of the citizens of the State of Florida as a result of Hurricane Wilma, and I do hereby direct the Missouri State Emergency Management Agency to activate the EMAC plan. I further authorize the use of the Missouri National Guard to provide support to the State of Florida.

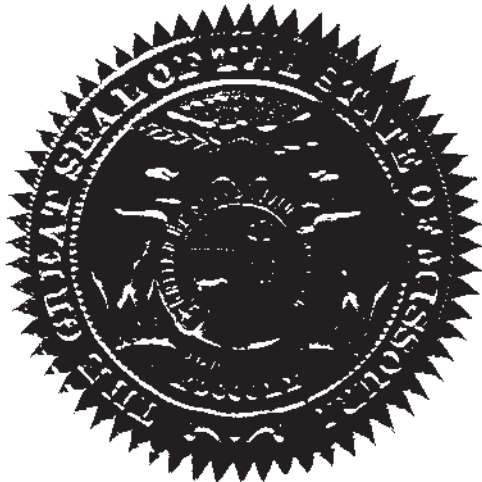
This order shall terminate on November 30, 2005, unless extended in whole or in part.


IN WITNESS WHEREOF, I have hereunto
set my hand and caused to be affixed the
Great Seal of the State of Missouri, in the
City of Jefferson, on this 21st day of October,
2005.



Matt Blunt
Governor

ATTEST:





Robin Carnahan
Secretary of State

EXECUTIVE ORDER
05-39

WHEREAS, on August 30, 2005, Executive Order 05-23 was issued acknowledging the existence of a regional state of emergency, within the meaning of Title 49, Code of Federal Regulations, Section 390.23(a)(1), within the States of Alabama, Florida, Louisiana, and Mississippi, as a result of the severe damage and destruction to persons and property caused by Hurricane Katrina's extremely high winds, substantial tidal surges, heavy thunderstorms, and torrential rains and flooding; and

WHEREAS, on September 23, 2005, Executive Order 05-36 was issued acknowledging the existence of a regional state of emergency, within the meaning of Title 49, Code of Federal Regulations, Section 390.23(a)(1), within the States of Texas and Louisiana, as a result of the severe damage and destruction to persons and property caused by Hurricane Rita's extremely high winds, substantial tidal surges, heavy thunderstorms, and torrential rains and flooding; and

WHEREAS, on October 24, 2005, Hurricane Wilma reached mainland Florida resulting in severe damage and destruction to persons and property in the state of Florida due to extremely high winds, substantial tidal surges, heavy thunderstorms, and torrential rains and flooding; and

WHEREAS, this severe natural disaster has resulted in extensive economic and human damage across these affected states, including, loss of lives, destruction of private and public property in the amount of hundreds of millions of dollars, the widespread interruption of electrical power and water service to millions of utility customers across the affected states, and the evacuation and temporary relocation of thousands of persons from the coastal regions to inland destinations, which will eventually require the return of these displaced persons to their places of origin; and

WHEREAS, these extreme weather conditions, and the resulting destruction of property, interruption of essential human services, and continuing dangers to and loss of human life, now require and will continue to require a massive public and private response to provide immediate, emergency assistance and continuing emergency relief to individual persons, businesses, and federal, state and local governmental units in need of transportation for food, supplies, tools, equipment, medicine, public and private health care, law enforcement, security services, public utility services, sanitation and waste disposal, cleanup of debris, property restoration and reconstruction, and other necessities, which threatens to overload the available transportation systems to, from, and within these affected states; and

WHEREAS, the President of the United States of America has issued Declarations of Regional Emergency within the meaning of Section 390.23(a)(1) of Title 49, Code of Federal Regulations, as a result of these severe weather conditions, which continue to pose a threat to the public safety and health of persons residing within the affected states, thereby authorizing exemption to Title 49 of the Code of Federal Regulations, Parts 390-399; and

WHEREAS, the safety and welfare of the inhabitants of the affected states, as well as any other affected state identified in future regional emergency declarations by the President of the United States or a governor of the affected state, resulting from Hurricanes Katrina, Rita and Wilma require that operators of commercial motor carriers upon the public highways within Missouri, who are rendering assistance to the emergency efforts within the affected states should be allowed more rapid and efficient travel to meet this emergency need for transportation of passengers and property; and

WHEREAS, this requirement for more rapid and efficient transportation would be facilitated by the temporary suspension of certain usual and necessary regulatory requirements for the drivers of commercial motor vehicles while they are transporting property and passengers to assist in the relief efforts; and

WHEREAS, the expiration date of Executive Orders 05-23 is October 25, 2005 at 12:01 AM and the expiration date of Executive Order 05-36 is November 23, 2005 at 12:01 AM and the emergency assistance required to be provided to the affected states will likely be necessary long past these previously set expiration dates in order to assist in the recovery efforts in the affected states; and

WHEREAS, the emergency declaration by the President of the United States of America for the affected states remains in effect and has no expiration date.

NOW THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, hereby declare that I acknowledge the continuing existence of a regional state of emergency, within the meaning of Title 49, Code of Federal Regulations, Section 390.23(a)(1), within the States of Alabama, Mississippi, Florida, Texas and Louisiana, as well as any other state(s) identified in future regional emergency declarations by the President of the United States, or by the respective governor of an affected state, resulting from Hurricanes Katrina, Rita and Wilma as a result of the severe weather conditions described above; and

FURTHER, I direct that the commercial motor vehicle regulatory requirements regarding the purchase of trip permits for registration and fuel for commercial motor carriers engaged in interstate disaster relief efforts in any of the affected states identified by regional emergency declarations resulting from Hurricanes Katrina, Rita and Wilma shall be waived; and

FURTHER, I direct that the issuance of overdimension and overweight permits by the Missouri Department of Transportation for commercial motor carriers engaged in interstate disaster relief efforts in affected states identified by regional emergency declarations resulting from Hurricanes Katrina, Rita and Wilma shall be subject to the following interim application requirements in obtaining such a permit:

The permittee will be required to supply:

- Year, Make and License plate number of the power unit and trailer;
- Size, Make and Serial Number (last 4 digits) of commodity being hauled;
- Origin, Destination and Consecutive Routing;
- Overall Width, Height, Length and length of trailer and load only; and
- Date of Movement.

The permit process can be expedited by calling:

- 800-877-8499
- 573-526-5314; or
- 573-526-5312.

However, this Executive Order shall not suspend the applicability of the standard permit fee requirements; and

FURTHER, I hereby rescind Executive Orders 05-23 and 05-36 to be replaced with this Executive Order 05-39; and

FURTHER, I direct that the effective date of this Executive Order shall be retroactive to August 30, 2005 and shall continue in effect until the expiration of all Declarations of Regional Emergency issued by the President of the United States of America, as well as regional emergency declarations by the governor of an affected state resulting from Hurricanes Katrina, Rita, and Wilma or until December 31, 2005 at 12:01 AM, whichever later occurs.



ATTEST:

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 25th day of October, 2005.

A handwritten signature in black ink, reading "Matt Blunt", written over a horizontal line.

Matt Blunt
Governor

A handwritten signature in black ink, reading "Robin Carnahan", written over a horizontal line.

Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
05-40**

WHEREAS, on November 12, 1986, Executive Order 86-26 established the Missouri State Park Advisory Board; and

WHEREAS, Executive Order 86-26 was amended by Executive Order 98-15 and the membership of the Board was increased from six to eight members; and

WHEREAS, at this time it is necessary to amend Executive Order 98-15 relating to the membership of the Board.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me by the Constitution and laws of the State of Missouri, hereby amend Executive Order 98-15, regarding the membership of the Missouri State Park Advisory Board, as follows:

The Missouri State Park Advisory Board membership shall be increased from eight to nine members.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 26th day of October, 2005.



**Matt Blunt
Governor**

ATTEST:



**Robin Carnahan
Secretary of State**

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 1—OFFICE OF ADMINISTRATION

Division 30—Design and Construction

Chapter 5—Minority/Women Business Enterprises

PROPOSED AMENDMENT

1 CSR 30-5.010 Minority/Women Business Enterprise Participation in State Construction Contracts. The Office of Administration is amending sections (1), (4), (5), (6), (7), (8), (9), (10), and (11), and deleting the forms which follow the rule in the *Code of State Regulations*.

PURPOSE: *This amendment changes the procedures used in the Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) program as they relate to subcontracting goals.*

(1) Definitions.

(B) "Bid" means a bid proposal or bid submitted to the Division of **Facilities Management**, Design and Construction by a bidder.

(G) "Director" means the director of the Division of **Facilities Management**, Design and Construction.

(H) "Joint /V/venture" means an association of two (2) or more businesses to carry out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills and knowledge.

(K) "Minority Business Enterprise" means a business concern which is at least fifty-one percent (51%) owned by one (1) or more minority(ies) as defined in (1)(J) or in the case of any publicly-owned business at least fifty-one percent (51%) of the stock of which is owned by one (1) or more minorities as defined in (1)(J) and whose management and daily business operations are controlled by one (1) or more minorities as defined in the rule.

(4) Commissioner, Duties and Responsibilities.

(A) The commissioner shall, **through the Office of Supplier and Workforce Diversity**—

1. Compile, maintain and make available a directory of MBE/WBEs along with their capabilities relevant to general contracting requirements and to particular solicitations. The commissioner shall make the directory available upon request, to all bidders and contractors. The director shall specify the name of the MBE/WBE, the type of business it conducts, its address, phone number and contact person;

2. To the extent deemed appropriate, include all MBE/WBEs on **open** solicitation mailing lists;

3. Instruct the director **and the Office of Supplier and Workforce Diversity** to annually report in writing to the commissioner concerning the awarding of contracts to MBE/WBEs; and

4. Certify the eligibility of MBE/WBEs and joint ventures involving MBE/WBEs. The commissioner may accept certification made by other **municipalities, counties**, state and federal agencies **which meet the minimum requirements for Office of Administration certification.**

(5) Percentage Goals and Compliance.

(A) For contracts bid and awarded in an amount greater than or equal to one hundred thousand dollars (\$100,000), the successful bidder shall have as **an overall** goal subcontracting not less than ten percent (10%) of the awarded contract price for work to be performed in the St. Louis or Kansas City metropolitan areas to MBE/WBE~~[/s/]]~~, and shall have as **an overall** goal subcontracting not less than five percent (5%) of the awarded contract price for work to be performed ~~[in other than the St. Louis or Kansas City metropolitan areas to MBE/WBE(s)]~~ by WBEs. **Individual project goals may be set higher than the overall goals in areas where participation is demonstrated to be higher such as the St. Louis and Kansas City metropolitan areas. Individual project goals may be set lower than the overall goals in areas where participation is demonstrated to be lower, such as rural communities.**

(B) If, after the contract has been awarded to the contractor, the contractor fails to meet or maintain the percentage goal, s/he must satisfactorily explain to the director why the goal cannot be achieved and why meeting the goal was beyond the contractor's control.

(C) If the director finds the contractor's explanation unsatisfactory, the director ~~[shall notify the commissioner. The commissioner]~~ may take any appropriate action, including, but not limited to:

1. Declaring the contractor ineligible to participate in any state contracts administered through the Office of Administration for a period not to exceed six (6) months; and

2. Declaring the contractor in breach of ~~[the]~~ contract.

(6) Waiver.

(A) A bidder is required to make a good faith effort to locate and contract with MBE/WBEs. If a bidder has made a good faith effort to secure the required MBE/WBEs and has failed, s/he may submit

with his/her bid proposal the information requested *[in Appendix A, Application for Waiver]* on forms provided with the bid documents. The *[commissioner]* director will review the bidder's actions as set forth in the bidder's *[Application for Waiver,]* submittal documents and *[any]* other factors deemed relevant by the *[commissioner]* director, to determine if a good faith effort has been made to meet the applicable percentage goal. If the bidder is judged not to have made a good faith effort, the bid shall be rejected.

(C) In reaching his/her determination of good faith, the *[commissioner]* director may evaluate, but is not limited to, the following factors:

1. Attendance at pre-bid meetings scheduled by the director to inform bidders and MBE/WBEs of contracting and subcontracting opportunities and responsibilities associated with MBE/WBE participation;

2. Attempts by the bidder to advertise in general circulation trade association and minority focus media concerning subcontracting opportunities;

3. Attempts to provide written notice to specific MBE/WBEs that their services were being solicited, in sufficient time to allow for their effective participation;

4. Follow-up attempts by the bidder to the initial solicitation(s) to determine with certainty whether MBE/WBEs were interested;

5. The extent to which the bidder divided work into projects suitable for subcontracting to MBE/WBEs;

6. Whether the bidder provided interested MBE/WBEs with sufficiently detailed information about the plans, specific actions and requirements about the contract;

7. Efforts by the bidder to negotiate in good faith with MBE/WBEs for specific sub-bids. Documentation should include names, addresses and telephone numbers of firms contacted, a description of all information provided the MBE/WBEs and an explanation as to why agreements were not reached;

8. Reasons for rejecting MBE/WBE's proposal;

9. The bidder's efforts to locate MBE/WBEs not on the directory list and assist MBE/WBEs in becoming certified as such;

10. The bidder's initiatives to encourage and develop MBE/WBEs;

11. The efforts of the bidder to help the MBE/WBE overcome any legal or other barriers impeding the participation of MBE/WBEs in the construction contract; and

12. The availability of MBE/WBEs and the adequacy of the bidder's efforts to increase the participation of such businesses provided by the persons and organizations consulted by the bidder.]

1. The bidder's efforts to develop and sustain a working relationship with MBE/WBEs;

2. The bidder's efforts and methods to provide MBE/WBEs with full sets of plans and specification or appropriate sections thereof sufficient to prepare a proposal to the bidder;

3. The bidder's efforts and methods to inform multiple local MBE/WBEs about the proposed work in a timely manner and define for them the specific scope of work for which a proposal is requested;

4. The bidder's efforts to make initial contact with at least three (3) MBE/WBEs for each category of work to be performed, follow-up with those contacted and receive a proposal for those categories of work;

5. Reasons for rejecting MBE/WBE's proposal;

6. The extent to which the bidder divided work into projects suitable for subcontracting to MBE/WBEs;

7. The bidder's ability to provide sufficient evidence in the form of documentation that supports the information provided; and

8. Actual participation of MBE/WBEs achieved by the bidder.

(7) Bidder's Duties and Responsibilities.

(A) The bidder shall submit with his/her bid proposal the information requested *[in Appendix B]* on the form provided for every MBE/WBE the bidder intends to use on the contract work.

(B) If the MBE/WBE is a joint venture, and one (1) or more co-venturers is not certified as a MBE/WBE, the bidder shall submit with his/her bid proposal the information requested *[in Appendix C]* on the form provided.

[(C) If the MBE/WBE that the bidder proposes to use on the project is not certified, the bidder shall submit with his/her bid proposal the information requested in Appendix D.]

(C) The bidder shall use MBE/WBEs certified by the Office of Administration for other municipalities, counties, state or federal agencies.

(E) Successful bidders shall provide the director *[regular]* monthly reports on the bidder's progress in meeting its MBE/WBE obligations.

(8) Counting MBE/WBE Participation Toward Meeting MBE/WBE Goals.

(D) A bidder may count toward his/her MBE/WBE goals only that portion of work performed at the lowest subcontract level such that the percentage of work performed by MBE/WBEs cannot exceed one hundred percent (100%).

1. A MBE/WBE is considered to perform a commercial useful function when it is responsible for executing a distinct element of the work contract and carrying out its responsibilities by actually performing, managing and supervising the work involved. To determine whether a MBE/WBE is performing a commercially useful function, the director shall evaluate the amount of work subcontracted to the MBE/WBE, industry practices and any other relevant factors.

2. A MBE/WBE may subcontract a portion of the work. If a MBE/WBE subcontracts a greater portion of the work than would be expected on the basis of normal industry practices, the MBE/WBE shall be presumed not to be performing a commercially useful function. The MBE/WBE may present evidence to rebut this presumption to the bidder. The bidder's decision on the rebuttal of this presumption is subject to review by the director.

[(D)] (E) A bidder may count toward its MBE/WBE goals expenditures for materials and supplies obtained from MBE/WBE suppliers and manufacturers, provided that the MBE/WBE assumes the actual and contractual responsibility for the provision of the materials and supplies.

1. The bidder may count its entire expenditure to a MBE/WBE manufacturer. For the purposes of this regulation, a manufacturer shall be defined as an individual or firm that produces goods from raw materials or substantially alters them before resale.

2. The bidder may count *[twenty percent (20%) of]* its entire expenditures to MBE/WBE suppliers *[that are not manufacturers]* provided that the MBE/WBE supplier performs a commercially useful function, as defined in paragraph (8)(C)1. of this rule, in the supply process.

(9) Maintenance of Records and Reports. The director shall maintain records identifying and assessing the contractor's progress in achieving and maintaining MBE/WBE percentage goals. These records shall show—

(C) *[Regular]* Monthly reports from the contractor on its progress in meeting MBE/WBE goals.

(10) Certification of MBE/WBEs.

(A) Bidders shall submit with their bid proposals the information requested *[in Appendix D, and as appropriate Appendix C,]* as appropriate on forms provided for that purpose in the bid documents to certify *[firms or individuals]* joint venture firms wishing to participate as MBE/WBEs under these regulations.

(B) Except as provided in subsection (10)(C) that follows, each firm or individual seeking certification to participate as a MBE/WBE

in a state contract shall complete and submit to the commissioner the information requested *[in Appendix D] on forms provided for that purpose*. Minority or women partners in a joint venture shall submit to the commissioner the information requested *[in both Appendices C and D] on forms provided in the bid documents for that purpose*. The information must be provided by an authorized representative of the firm or individual.

(C) A firm or individual seeking to participate as a MBE/WBE under these regulations need not submit the information described in (10)(A) and (B) if the potential MBE/WBE states in writing that it has submitted the same information to or has been certified by the commissioner within the last five (5) years and has filed with the commissioner an annual update to the information requested *[in Appendix D]*; or the potential MBE/WBE has been certified as a/n/ MBE/WBE by another Missouri **municipality, county, state agency or federal agency** within the last five (5) years.

(11) Eligibility Standards.

(D) Once certified, a MBE/WBE shall update its submission annually by submitting to the commissioner the information requested *[in Appendix D] on forms provided for that purpose* or by certifying that the information requested *[in Appendix D] that is* on file with the commissioner is still accurate. Anytime there is a change in ownership or control of the firm, the MBE/WBE shall update the previously filed information requested *[in Appendix D]*.

AUTHORITY: section 8.320, RSMo [1986] 2000. Original rule filed March 9, 1984, effective Aug 11, 1984. Emergency amendment filed Dec. 10, 1985, effective Dec. 20, 1985, expired April 19, 1986. Amended: Filed Dec. 10, 1985, effective April 11, 1986. Amended: Filed Oct. 27, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Administration, Michael Keathley, Commissioner, PO Box 809, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 1—OFFICE OF ADMINISTRATION
Division 35—Division of Facilities Management
Chapter 1—Facility Maintenance and Operation**

PROPOSED AMENDMENT

1 CSR 35-1.050 Public Use of State Facilities. The Office of Administration is amending section (5).

PURPOSE: This amendment limits those who can access the ATMs for servicing to those with concealed carry permits from Missouri.

(5) Weapons Capable of Lethal Use Prohibited; Exceptions.

(A) Carrying a firearm or any other weapon readily capable of lethal use into the Capitol Buildings and grounds as defined in subsection (1)(B), the offices in the Capitol Building occupied by the Governor and the Governor's administration, the offices in the Capitol Building of the Lieutenant Governor, the offices in the Capitol Building of the State Auditor, the offices in the Capitol Building of the State Treasurer, and other buildings and grounds as defined in subsection (1)(D), or the Governor's Mansion and

grounds, is prohibited. This prohibition shall not apply to state and federal law enforcement officers, peace officers, probation and parole officers, wardens and superintendents of prisons or penitentiaries, members of the armed forces and national guard, persons vested with judicial authority by the state or federal court, and members of the state General Assembly, acting in their official capacity. **This prohibition shall not apply to any person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo while such person is servicing an automated teller machine (ATM) in a state owned or leased building; provided, however, that employers of such persons must supply in writing to the state facilities operations manager the names, addresses and photographs of their employees authorized to service such ATMs at least five (5) business days before such persons start servicing the ATMs, and the employers must immediately advise in writing to the state facilities operations manager when any such employee is no longer working for said employer.** Possession of a firearm by a person holding a valid state concealed carry endorsement in a vehicle located in a parking area upon the premises of any area referenced in this rule shall not be prohibited so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

AUTHORITY: sections 8.110, 8.320, 34.030, 37.005 and 536.025, RSMo 2000 and 536.023.3, RSMo Supp. 2004. Original rule filed April 23, 1998, effective Nov. 30, 1998. Emergency amendment filed Oct. 9, 2003, effective Oct. 19, 2003, expired April 15, 2004. Amended: Filed Oct. 9, 2003, effective April 30, 2004. Amended: Filed Oct. 27, 2005.

PUBLIC COST: This proposed amendment will have positive fiscal impact on the Department of Public Safety, Division of Capitol Police, because they would not be required to accompany the guards servicing the ATMs in the future. This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will have a small negative impact on private entities that access the ATMs because they will have to send in the identifying information that is required by the proposed amendment, which may be offset by the fact that they will not have to call Capitol Police and wait for an available officer to accompany them when they service the ATMs. This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Administration, Michael Keathley, Commissioner, PO Box 809, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 1—OFFICE OF ADMINISTRATION
Division 35—Division of Facilities Management
Chapter 2—Leasing**

PROPOSED AMENDMENT

1 CSR 35-2.030 Administration of the Leasing Process. The Office of Administration is amending section (4).

PURPOSE: This amendment limits those who can access the ATMs for servicing to those with concealed carry permits from Missouri.

(4) All leases entered into by the Office of Administration shall prohibit carrying a firearm or other weapon readily capable of lethal use into the leased premises. This prohibition shall not apply to state and

federal law enforcement officers, peace officers, probation and parole officers, wardens and superintendents of prisons or penitentiaries, members of the armed forces and national guard, persons vested with judicial authority by the state or federal court, and members of the state General Assembly, acting in their official capacity. **This prohibition shall not apply to any person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to 571.121, RSMo while such person is servicing an automated teller machine (ATM) in a state owned or leased building; provided, however, that employers of such persons must supply in writing to the state facilities operations manager the names, addresses and photographs of their employees authorized to service such ATMs at least five (5) business days before such persons start servicing the ATMs, and the employers must immediately advise in writing to the state facilities operations manager when any such employee is no longer working for said employer.** Possession of a firearm by a person holding a valid state concealed carry endorsement in a vehicle located in a parking area upon the premises of any area referenced in this rule shall not be prohibited so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

AUTHORITY: sections 8.110, 8.320, 34.030, 37.005 and 536.025, RSMo 2000 and 536.023.3, RSMo Supp. 2004. Original rule filed April 15, 1998, effective Nov. 30, 1998. Emergency amendment filed Oct. 9, 2003, effective Oct. 19, 2003, expired April 15, 2004. Amended: Filed Oct. 9, 2003, effective April 30, 2004. Amended: Filed Oct. 27, 2005.

PUBLIC COST: This proposed amendment will have positive fiscal impact on the Department of Public Safety, Division of Capitol Police, because they would not be required to accompany the guards servicing the ATMs in the future. This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will have a small negative impact on private entities that access the ATMs because they will have to send in the identifying information that is required by the proposed rule change, which may be offset by the fact that they will not have to call Capitol Police and wait for an available officer to accompany them when they service the ATMs. This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Administration, Michael Keathley, Commissioner, PO Box 809, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions**

PROPOSED RESCISSION

4 CSR 100-2.045 Member Business Loans. This rule established criteria for credit unions making member business loans.

PURPOSE: This rule is being rescinded allowing state-chartered credit unions to operate under National Credit Union Administration (NCUA) rule, Part 723 which governs state-chartered credit unions in the absence of a state rule.

AUTHORITY: sections 370.070, 370.071, 370.100 and 370.310, RSMo 2000. Original rule filed March 7, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 6, 2000, effective May 30, 2001. Amended: Filed Nov. 1, 2004, effective April 30, 2005. Rescinded: Filed Oct. 26, 2005.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Director, Division of Credit Unions, PO Box 1607, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

PROPOSED RULE

4 CSR 240-3.570 Requirements for Carrier Designation as Eligible Telecommunications Carriers

PURPOSE: This rule establishes criteria for submission to the commission when a company seeks designation as an eligible telecommunications carrier and to establish criteria for carriers designated as eligible telecommunications carriers.

- (1) For purposes of this rule, the following definitions apply.
 - (A) Alternative local exchange telecommunications company (ALEC) is as defined in section 386.020(1), RSMo.
 - (B) Commercial mobile radio service (CMRS) provider provides service as identified in 47 CFR Parts 20 and 24.
 - (C) Eligible telecommunications carrier (ETC) is a carrier designated as such by the Missouri Public Service Commission pursuant to 47 CFR 54.201 in order to receive universal service support.
 - (D) Incumbent local exchange telecommunications company is as defined in section 386.020(22), RSMo.
 - (E) Competitive carrier shall refer to both commercial mobile radio service providers and alternative local exchange telecommunications carriers.
- (2) Each request for ETC designation shall include:
 - (A) Intended use of the high-cost support, including detailed descriptions of any construction plans with start and end dates, populations impacted by construction plans, existing tower site locations for CMRS cell towers, and estimated budget amounts;
 - (B) A five (5)-year plan demonstrating how high-cost universal service support will be used to improve coverage, service quality or capacity throughout the service area for which the requesting carrier seeks ETC designation including a detailed map of coverage area before and after improvements;
 - (C) A statement as to how the proposed plans would not otherwise occur absent the receipt of high-cost support;
 - (D) A demonstration that the receipt of high-cost support will only be used to improve coverage, service quality or capacity in the Missouri service area in which ETC designation is requested and that such support is in addition to any expenses the competitive carrier would normally incur; and
 - (E) A demonstration of the carrier's ability to remain functional in emergency situations.

(3) Each request for ETC designation shall include a commitment to advertise the availability of services and charges therefore using media of general distribution throughout the ETC service area.

(4) Each request for ETC designation shall include a commitment to provide Lifeline and Link Up discounts consistent with 47 CFR 54.401, 47 CFR 54.411 and Chapter 4 CSR 240-31 of the commission's rules and publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service consistent with 47 CFR 54.405.

(5) Each request for ETC designation shall include a commitment to offer a local usage plan comparable to those offered by the incumbent local exchange carrier in the areas for which the carrier seeks designation. Such commitment shall include a commitment to provide Lifeline and Link Up discounts at rates, terms and conditions comparable to the Lifeline and Link Up offerings of the incumbent local exchange carrier providing service in the ETC service area.

(6) Each request for ETC designation shall include a statement that the carrier will satisfy consumer privacy protection standards as provided in 47 CFR 64 subpart U and service quality standards as provided in section (12) below.

(7) Each request for ETC designation shall include a statement that the requesting carrier acknowledges it shall provide equal access if all other ETCs in that service area relinquish their designations pursuant to section 214(e) of the Telecommunications Act of 1996.

(8) Each request for ETC designation by a CMRS provider shall include a commitment to abide by the *CTIA Consumer Code for Wireless Service*.

(9) Carriers designated as ETCs shall develop a bill design that can be easily interpreted by their customers and clearly sets forth charges in compliance with state and federal billing requirements, and shall not represent that the carrier's discretionary cost recovery fees are taxes or government fees.

(10) Service Provisioning Commitment.

(A) Each competitive carrier designated as an ETC shall make available to each end-user subscribing to its supported services within its ETC designated service area the following service features:

1. A local usage plan comparable to those offered by the incumbent local exchange carrier in the area(s) for which the carrier seeks designation;
2. Dual tone multi-frequency signaling or its functional equivalent;
3. Single-party service or its functional equivalent;
4. Access to emergency services;
5. Emergency telephone number services capable of automatic number identification, automatic location identification and call routing facilities to facilitate public safety response; e.g., Enhanced 911 Service, where the local government agency serving the end-user has in place a Public Safety Answering Point;
6. Access to interexchange service;
7. Access to telecommunications relay services by dialing 711;
8. Access to Directory Assistance service;
9. Access to operator services;
10. Toll limitation and/or blocking for qualifying low-income consumers; and
11. Unlimited local calling for Lifeline subscribers within its service area.

(B) Once designated as an ETC, a carrier shall extend its network to serve new customers upon a reasonable request.

(C) All carriers designated as an ETC shall publicize the construction of all new facilities that will expand the service area or

enhance services in unserved or underserved areas so that consumers are aware of the improved service in the area.

(D) All competitive carriers designated as an ETC shall take the following steps, as applicable, to respond to all reasonable requests for service within its ETC service area.

1. If a request comes from a customer within its existing service area, the competitive ETC shall immediately provide service using its standard customer equipment.

2. If a request comes from a customer residing in an area where the competitive ETC does not currently provide service, the competitive ETC shall take steps to provision service as follows:

A. Modify or replace the customer's equipment to provide acceptable service;

B. Deploy a roof-mounted antenna or other network equipment at the premises to provide requested service;

C. Make adjustments at the nearest cell site to provide service;

D. Make any other adjustments to network or customer facilities to provide service;

E. Offer resold service of carriers that have facilities available to that premises; and/or

F. Employ or construct an additional cell site, a cell-extender, or repeater to provide service.

3. Evaluate the costs and benefits of using high-cost universal service support to serve the number of customers requesting service. Where special conditions or special requirements of the customer involve unusual construction or installation costs, the customer may be required to pay a reasonable proportion of such costs as follows:

A. One (1) mile of facilities to provide the minimum class of service will be provided at no charge;

B. Additional charges will be equal to the difference between the estimated cost of the special type of construction and the estimated cost of standard construction. Charges will include materials, contract services, and loaded labor rates;

C. The customer shall bear unusual maintenance costs for the special construction; and

D. To assist in defraying construction costs beyond those of a prudent investment by the company, the customer shall be allowed to pay all or a portion of the construction and installation charges through an arrangement agreeable to the company, the customer, and the commission.

4. If there is no possibility of providing service to the requesting customer, the competitive ETC shall notify the customer and include such information in its quarterly report to the commission.

(11) Each alternative local exchange carrier designated as an ETC shall abide by Chapter 4 CSR 240-32 of the commission's rules. Except as otherwise provided in this rule, each CMRS carrier designated as an ETC shall comply with 4 CSR 240-32.040, 4 CSR 240-32.050(1)-(3) and (6), 4 CSR 240-32.060(1), (5)-(10), (12)(H), (15), 4 CSR 240-32.070, 4 CSR 240-32.080 (1)-(4), (5)(A)-(D), (5)(H), 4 CSR 240-32.100(1) and (2), and 4 CSR 240-32.200.

(12) Within thirty (30) days of receiving ETC status, the CMRS carrier shall make an informational filing with the commission consisting of a complete description of all of its service offerings. Such informational filings will be amended as service offerings are introduced or modified.

(13) Each competitive carrier designated as an ETC shall maintain a record of customer complaints that have been received by the company in a manner that includes, at a minimum: the end-user name; the account number; a description of the complaint; the date the complaint was filed; and, the amount of refund, if any.

(A) If the account number is utilized, a cross-reference with the end-user's name must also be readily available.

(B) Each complaint shall count as a separate report regardless of whether subsequent reports relate to the same physical defect, difficulty, or dissatisfaction with the provision of the CMRS services.

(14) If a competitive ETC and a customer fail to resolve a matter in dispute, the competitive ETC shall advise the customer of his/her right to file an informal or formal complaint with the commission under 4 CSR 240-2.070.

(15) A competitive ETC shall acknowledge or respond by fax transmission, e-mail or electronic filing and information system (EFIS) to all commission staff inquiries related to informal complaints as follows:

(A) The company shall acknowledge receipt of inquiries related to denial or discontinuance of service issues within twenty-four (24) hours;

(B) The company shall acknowledge receipt of inquiries related to all other informal complaints within three (3) business days; such acknowledgment shall include current account status and an estimated time frame for final response;

(C) If the company and Public Service Commission staff have not informally agreed to an extension or a resolution to the informal complaint, the company shall provide a status report on the informal complaint within fifteen (15) days of receiving such inquiry;

(D) The company shall provide, no later than thirty (30) days after receiving such inquiry, the company's plan and time frame to resolve the informal complaint; and

(E) If a formal complaint regarding the same inquiry is filed the company need not respond further to the informal complaint.

(16) If a competitive ETC and a customer fail to resolve a matter in dispute through the informal complaint process, the Public Service Commission staff shall advise the customer of his/her right to file a formal complaint with the commission under 4 CSR 240-2.070. Resolution of the complaint may result in revocation of ETC designation.

(17) Provide customer service contact information online and on billing statements if the competitive ETC uses third party billing agents.

(18) Each CMRS provider designated as an ETC shall submit to the commission's Telecommunications Department a quarterly report of its customer complaints as indicated in section (14) above and its inability to provide service as indicated in subsection (11)(D) above.

(19) Each ALEC designated as an ETC shall continue to submit quarterly quality of service reports to the commission's Telecommunications Department consistent with 4 CSR 240-3.550(5) of the commission's rules.

(20) All CMRS ETC providers shall submit an annual report to the commission on or before April 15 of each year, except as otherwise provided for in this rule.

(A) CMRS ETC providers shall submit their annual reports either on a form provided by the commission or on a computer-generated replica that is acceptable to the commission. Reports being submitted on paper are to be prepared in loose-leaf format and sent to the attention of the secretary of the commission. Computer-generated reports can be submitted through the commission's electronic filing and information system (EFIS). Attempts to substitute forms such as stockholder reports without concurrently submitting official commission forms with appropriate cross-references will be considered noncompliant. All requested information shall be included in the annual report, where applicable, even if it has been provided in a previous annual report.

(B) A CMRS ETC provider that receives a notice from the commission stating that deficiencies exist in the information provided in the annual report shall respond to that notice within twenty (20) days after the date of the notice, and shall provide the information requested in the notice in its response.

(C) If a CMRS ETC provider subject to this rule considers the

information requested on the annual report form to be nonpublic information, it must submit both a fully completed version to be kept under seal and a redacted public version that clearly informs the reader that the redacted information has been submitted as nonpublic information to be kept under seal. Submittals made under this section that do not include both versions will be considered deficient. The staff on behalf of the commission will issue a deficiency letter to the company and if both versions of the annual report are not received within twenty (20) days of the notice, the submittal will be considered noncompliant.

(D) In addition to the foregoing, submittals made under this section must meet the following requirements:

1. A cover letter stating that the CMRS ETC provider is designating some or all of the information in its annual report as confidential information, and including the name, phone number and e-mail address (if available) of the person responsible for addressing questions regarding the confidential portions of the annual report, must be submitted with the reports;

2. The cover of each version of the report must clearly identify whether it is the public or nonpublic version;

3. A detailed affidavit that identifies the specific types of information to be kept under seal, provides a reason why the specific information should be kept under seal and states that none of the information to be kept under seal is available to the public in any format must be prominently attached to both versions of the report; and

4. Each page of each version of the report that contains nonpublic information shall be clearly identified as containing such information.

(E) If an entity asserts that any of the information contained in the nonpublic version of the annual report should be made available to the public, then that entity must file a pleading with the commission requesting an order to make the information available to the public, and shall serve a copy of the pleading on the CMRS ETC provider affected by the request. The pleading must explain how the public interest is better served by disclosure of the information than the reason provided by the CMRS ETC provider justifying why the information should be kept under seal. The CMRS ETC provider affected by the request may file a response to a pleading filed under these provisions within fifteen (15) days after the filing of such a pleading. Within five (5) business days after the due date for the filing of the CMRS ETC provider's response to a request filed under these provisions, the general counsel by filing of a pleading will make a recommendation to the commission advising whether the request should be granted.

(F) A CMRS ETC provider that is unable to meet the submission date established in section (1) of this rule may obtain an extension of up to thirty (30) days for submitting its annual report by:

1. Submitting a written request, which states the reason for the extension, to the attention of the secretary of the commission prior to April 15; and

2. Certifying that a copy of the written request was sent to all parties of record in pending cases before the commission where the CMRS ETC provider's activities are the primary focus of the proceedings;

(G) A CMRS ETC provider that is unable to meet the submission date established in section (1) of this rule may request an extension of greater than thirty (30) days for submitting its annual report by:

1. Filing a pleading, in compliance with the requirements of Chapter 2 of 4 CSR 240, which states the reason for and the length of the extension being requested, with the commission prior to April 15; and

2. Certifying that a copy of the pleading was sent to all parties of record in pending cases before the commission where the CMRS ETC provider's activities are the primary focus of the proceedings.

(H) Responses to deficiency notices under the provisions of subsection (20)(B) of this rule, requests for confidential treatment under the provisions of subsection (20)(C) of this rule, pleadings requesting public disclosure of information contained under seal under the

provisions of subsection (20)(E) of this rule, and requests for extensions of time under the provisions of subsection (20)(F) or (20)(G) of this rule may be submitted through the commission's electronic filing and information system (EFIS).

(I) A CMRS ETC provider that does not timely file its annual report, or its response to a notice that its annual report is deficient, is subject to a penalty of one hundred dollars (\$100) for each day that it is late in filing its annual report or its response to a notice of deficiency.

(21) Each ALEC designated as an ETC shall continue to submit annual reports consistent with 4 CSR 240-3.540 of the commission's rules.

(22) Each competitive carrier designated as an ETC shall notify the manager of the Telecommunications Department, in writing or by electronic mail, within thirty (30) days of a change in the company-designated contacts. The update shall include the name(s), address(es) and/or telephone number(s) of the designated individual(s). The contact name(s) provided pursuant to this section shall be the individual(s) primarily responsible for: customer service; repair and maintenance; answering complaints; authorizing and/or furnishing refunds to customers; and information filing issues.

(23) All carriers designated as ETCs shall comply with the commission's annual certification process by August 15 of each year as outlined in the Order Establishing Certification Procedure in Case No. TO-2002-347 and as subsequently amended. Questions regarding the appropriate certification process for competitive carriers designated as ETCs should be directed to the commission's Telecommunications Department.

(24) In addition to the information submitted in section (23) above, each competitive carrier designated as an ETC must submit by August 15 of each year:

- (A) Progress updates on its five (5)-year improvement plan;
- (B) Detailed information on outages in its network for the past year;
- (C) Detailed information on how many requests for service from potential customers were unfulfilled for the past year;
- (D) The number of complaints for the previous year;
- (E) A demonstration that the receipt of high-cost support was only used to improve coverage, service quality or capacity in the Missouri service area in which ETC designation was granted and that such support was used in addition to any expenses the competitive carrier would normally incur; and

(F) An affidavit signed by an officer of the company certifying that the competitive ETC continues to comply with the applicable service quality standards as identified in section (12) above and consumer protection rules as identified in section (6) above, continues to be able to function in emergency situations, continues to offer a local usage plan comparable to that offered by the incumbent LEC in the relevant service areas, and continues to provide equal access to interexchange carriers.

(25) All reports required to be submitted to the commission shall be attested to by an officer or authorized agent of the carrier designated as an ETC.

(26) Each competitive carrier designated as an ETC governed by this rule shall keep all of its books and records in accordance with good business practices, and at such place as they are normally kept in the usual course of business. The competitive carrier designated as an ETC shall make its books and records available to the commission at reasonable times for examination and inspection at a location designated by the commission.

(27) All records required by this rule shall be preserved for at least two (2) years.

(28) Each competitive carrier designated as an ETC shall promptly furnish such other information as the commission staff may reasonably request.

(29) Each CMRS carrier designated as an ETC shall file with the commission an application to reflect a change to the name and/or change, deletion or addition of a trade name under which the CMRS ETC will be doing business in the state of Missouri.

(A) The request for name change or request for change, addition, or deletion of a trade name shall be accompanied by the following, as applicable:

- 1. An amended Certificate of Incorporation effecting a change of name;
- 2. A Trade Name Report filed with the Secretary of State;
- 3. A Withdrawal of Trade Name Report filed with the Secretary of State; and/or
- 4. A Transfer of Trade Name Report filed with the Secretary of State.

(B) A modified informational filing and attestation that the modified informational filing is identical and no revisions are being made, except for the name change or change, addition or deletion of a trade name, to the existing informational filings of the CMRS ETC.

(30) Carriers designated as an ETC shall not self-certify to the Universal Service Administrative Company for receipt of federal universal service funds.

(31) Carriers designated as an ETC shall not willfully make any false entry in the accounts, books of accounts, records or memoranda kept by any corporation, person or public utility, or shall not willfully destroy, mutilate, alter or by any other means or device falsify the record of any such account, book of accounts, record or memoranda, or shall not willfully neglect or fail to make full, true and correct entries of such account, book of accounts, record or memoranda of all facts and transactions appertaining to the business of such corporations, persons or public utilities, or shall not falsely make any statement required to be made to the commission.

(32) Allegations of a failure to comply with this rule shall be filed with the commission in the form of a formal complaint pursuant to 4 CSR 240-2.070. Resolution of the complaint may result in revocation of the competitive carrier's ETC designation.

(33) The commission shall not certify, by October 1 of each year, any ETC that fails to comply with these rules.

AUTHORITY: sections 386.040, 386.250, 392.451 and 392.470, RSMo 2000. Original rule filed Oct. 31, 2005.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities an estimated \$5,001,000 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Cully Dale, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register and should include a reference to commission Case No. TX-2006-0169. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments*

may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for January 6, 2005, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: Missouri Department of Economic Development
 Division: Missouri Public Service Commission
 Chapter: Chapter 3 - Filing and Reporting Requirements
 Type of Rulemaking: New
 Rule Number and Name: 4 CSR 240-3.570 Requirements for Carrier Designation as Eligible Telecommunications Carriers

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification* by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
37	Class A Local Telephone Companies	\$0
3	Class B Local Telephone Companies	\$0
8	Class C Local Telephone Companies	\$396,000 See III. 4 and III. 5
0	Class Interexchange Companies	\$0
3	CMRS Carriers – A	\$4,500,000 See III 6
3	CMRS Carriers – B	\$105,000 See III.7
	All entities	\$5,001,000 See III. 8

*Class A Telephone Companies are incumbent local telephone companies with more than \$100,000,000 annual revenues system wide; Class B Telephone Companies are incumbent local telephone companies with \$100,000,000 annual revenues or less system wide; Class C Local Telephone Companies are all other companies certificated to provide basic local exchange telecommunications services, Class Interexchange Companies are long distance providers. CMRS Carriers – A are nationwide commercial mobile radio service providers. CMRS Carriers B are commercial mobile radio service providers that mainly have a presence within Missouri.

III. WORKSHEET

1. The proposed rule applies to all incumbent local exchange carriers (ILECs), competitive local exchange carriers (CLECs) and all commercial mobile radio service providers (CMRS) that request and/or receive designation as an eligible telecommunications carrier (ETC) for purposes of receiving federal universal service support.
2. The estimated number of entities affected by the proposed rule reflects ILECs and CLECs currently designated as ETCs and estimates the number of CLECs and CMRS that will request and/or receive ETC status in the next year.
3. Missouri carriers currently receive approximately \$90,000,000 in federal universal service high cost support. Based on information provided by the industry, it is estimated that Missouri carriers would receive at least another \$10,000,000 upon receipt of ETC designation under the terms of this proposed rulemaking.
4. All estimates are based on input from the industry.
5. The rule requires competitive carriers (CLECs and CMRS) to provide a 5-year build-out plan with annual updates. For those CLECs that have already received ETC designation, this is a new requirement. To initially create the plan these carriers estimate a one-time cost of \$164,000 (\$41,000 per carrier times 4 carriers), with annual updates estimated at approximately \$20,000 (\$5,000 per carrier times 4 carriers). Additional costs in this category are attributed to new CLEC requests for ETC designation.
6. The rule requires competitive carriers to take steps to respond to customer requests for service in areas not currently served by that competitive carrier. It was estimated that CLECs will need to respond to 3 requests per year per CLEC with ETC designation at an average cost of \$8,000 per request.
7. Nationwide CMRS providers estimate compliance with certain provisions of the rule will cost seven figures initially and six figures annually.
8. CMRS providers that operate mainly within Missouri estimate a cost of approximately \$105,000 (\$35,000 per carrier times 3 carriers) per year. According to industry feedback, this amount is reasonable.

IV. ASSUMPTIONS

1. Fiscal year 2005 dollars were used to estimate costs. No adjustment for inflation is applied.
2. Affected entities are assumed to be in compliance with all other Missouri Public Service Commission rules and regulations, as applicable.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 50—Division of Workers' Compensation
Chapter 5—Determination of Disability**

PROPOSED AMENDMENT

8 CSR 50-5.060 Evaluation of Hearing [Impairment] Disability.

The division proposes to delete sections (1), (23) and (24), to amend sections (2), (3), (5) through (7), (9) through (16), and (18) through (22) and to renumber sections accordingly.

PURPOSE: This amendment clarifies the decibel standards based upon the most current American National Standards Institute (ANSI) occupational hearing loss standards. Senate Bill 1 and 130 authorizes the division, by rule, to adopt any superseding ANSI occupational hearing loss standards with respect to frequencies and decibel standards for measuring hearing loss. This amendment adds the requirements for measuring work related hearing disability.

PURPOSE: The purpose of this rule is to establish the procedures to evaluate hearing [impairment] disability, setting forth methods for its measurement and calculation.

[(1)] The Division of Workers' Compensation makes grateful acknowledgment for scientific advisory assistance in the preparation of this rule to the Central Institute for the Deaf, 818 South Euclid, St. Louis, Missouri, in particular to Dr. Hallowell Davis, its director of research, for his/her counsel and guidance, and to Dr. S. Richard Silverman, its director, who made available his/her own time and help and that of his highly qualified staff.]

[(2)] (1) The following are definitions relating to this matter and rule:

(A) Hearing loss—the general condition of reduced auditory sensitivity;

(B) Loss of hearing or threshold shift—a change for the worse in auditory sensitivity;

(C) Threshold—the weakest sound that can be heard;

(D) Decibel (dB)—a unit conventionally used to measure the magnitude of sound. In the testing of hearing, it is used to measure the threshold of a listener relative to the standard threshold (U.S. audiometers);

(E) Audiometer—a device for the measurement of the threshold of hearing in decibels relative to a standard;

(F) Hearing level or hearing threshold level—the reading on an audiometer in decibels corresponding to the threshold of hearing of the individual being tested;

(G) Frequency—the number of regular fluctuations made by a sound wave in one (1) second;

(H) Cycle—one (1) of a repeated series of regular fluctuations made by a sound wave;

(I) Audiogram—a chart showing hearing levels at different frequencies;

(J) Hearing [impairment] disability or [impairment] disability of hearing—a malfunction or abnormality of hearing of sufficient severity to constitute a practical handicap such as would justify compensation; particularly a reduction of efficiency in everyday communication by speech;

(K) Deafness—term reserved to designate very severe or total [impairment] disability of hearing; [and]

(L) Presbycusis—a loss of hearing occasioned by the aging process./.; and

(M) "Hearing level" is a technical term that refers to the point (or threshold) in decibels when a testing sound is first detected by the listener. The "lowest hearing level," therefore, represents best hearing not worst hearing. The "lowest measured loss,"

therefore, is reflected by the lowest decibel rating at which the listener heard the test tone.

[(3)] (2) Weeks of compensation for hearing loss due to a traumatic incident (that is, a single accident such as an explosion, a blast or a blow on the head) shall be those provided in items 27 and 28 of subsection 1 of section 287.190, RSMo. (Complete deafness of both ears—one-hundred eighty (180) weeks; complete deafness of one (1) ear, the other being normal—forty-nine (49) weeks.)

[(4)] (3) Weeks of compensation for hearing loss due to prolonged exposure to harmful noise in employment (that is, an occupational disease) shall be those provided in subsection 3 of section 287.197, RSMo.

[(5)] (4) [Either t/T]Traumatic occupational hearing loss(es) [due to occupational disease] shall be measured as prescribed in section 287.197, RSMo and this rule.

[(6)] (5) When both ears show hearing [impairment] disability, the computation of [impairment] disability shall be on the basis of bin-aural loss as provided in subsection 5 of section 287.197, RSMo.

[(7)] (6) Liability for occupational hearing loss occurs only when an employee has been exposed to the hazard of such loss for a period of ninety (90) days or longer and the loss becomes exclusively that of the employer in whose employment such exposure took place [(section 287.063-5)].

[(8)] (7) Each employer is liable for all of the occupational hearing loss to which his/her employment contributed, subject to the limitations of the measurement of hearing loss provisions, but no employer is liable for hearing loss sustained prior to employment with him/her nor for any hearing loss for which compensation previously was awarded or paid (section 287.197/-/.8).

[(9)] (8) The date of disability of occupational hearing loss is the last day of a [six (6)] one (1)-month period following separation from the employment in which the employee was exposed to harmful noise (section 287.197/-/.7).

[(10)] (9) Claim for compensation for occupational hearing loss, if maintained, must be made within [one (1)] two (2) years of the date of disability, as defined in section [(9)] (8) of this rule. The provision of medical attention and/or the payment of compensation will toll the statute, as in other workers' compensation cases (section 287.197/-/.7).

[(11)] (10) Only pure-tone [air-condition] air-conduction audiometric instruments that meet the standards [set by recognized authorities shall be used to measure hearing levels. The reference zero levels of the audiometer used for measuring hearing levels must be explicitly identified either as ASA-1951 (as given in USASI Standard for General Diagnostic Purposes, Z24.5-1951, United States of America Standards Institute, New York 1951) or as ISO (as given in International Organization of Standardization Recommendation R 389, Standard Reference Zero for the calibration of pure-tone audiometers). The corresponding identification must be attached to every decibel value of a hearing level employed in the evaluation of hearing impairment.] calibrated to the American National Standards Institute (ANSI) occupational hearing loss reference level standards, including ANSI S 3.6, as referred to in section 287.197.2 shall be used for measuring hearing levels.

[(12)] (11) In the evaluation of hearing [impairment] disability, only the hearing levels at the frequencies of five hundred (500), one

thousand (1,000) and two thousand (2,000) cycles per second shall be considered; provided, however, that if a subject does not hear the test tone at the ninety-five (95) decibel hearing level in any or all of the three (3) frequencies, the value of one hundred (100) decibels shall be used for such frequency(ies) in calculating the average hearing level.

[[13]] (12) Three (3) separate audiograms, each on different days, shall be made including at least the frequencies of five hundred (500), one thousand (1,000) and two thousand (2,000) cycles per second and the lowest hearing level measured at each of the three (3) frequencies shall be used for the computation of hearing *[impairment]* disability. The lowest hearing level at each of the three (3) frequencies shall be added together and the sum divided by three (3) to determine the average hearing level in decibels. If the audiograms show a lowest hearing level at any of these three (3) frequencies that is greater than one hundred (100) decibels, or else no response at all, the value of one hundred (100) dB shall be used for the level at such frequencies in calculating the average hearing level.

[[14]] (13) In order to allow for the average amount of hearing loss due to nonoccupational causes found in the population at any given age (including presbycusis), there shall be deducted from the average hearing level one-half (1/2) decibel for each year of the employee's age over forty (40) at the time of his/her *[last exposure to industrial noise]* audiogram. The result shall be termed the corrected average hearing level.

[[15]] (14) For every decibel that the corrected average hearing level exceeds *[fifteen (15) decibels based on the ASA-1951 reference levels or]* twenty-six (26) decibels based on the *[ISO]* ANSI reference levels an allowance of one and one-half percent (1 1/2%) shall be made up to the maximum of one hundred percent (100%) which is reached at *[eighty-two (82) decibels based on the ASA-1951 reference levels and at]* ninety-three (93) decibels based on the *[ISO]* ANSI reference levels. The allowance thus calculated is the monaural percentage *[impairment]* disability of hearing in that ear.

[[16]] (15) Binaural *[impairment]* disability of hearing shall be determined by multiplying the percentage of *[impairment]* disability in the better ear by five (5), to which result is added the percentage of *[impairment]* disability in the poorer ear and dividing the sum of the two (2) by six (6). The result is the evaluation in percentage of binaural hearing *[impairment]* disability.

[[17]] (16) No consideration shall be given to the question of whether or not the ability of an employee to understand speech is improved by the use of a hearing aid.

[[18]] (17) An employee may work in successive employments where s/he is exposed to harmful noise and sustain an accumulated hearing loss, only a part of which may be the liability of the last employer. Section 287.197/-1.8, RSMo provides that an employer is liable only for the hearing loss to which his/her employment contributed. *[which provision requires a rule for the calculation of such proportional liability. The rule applies only to the first employer in whose employ the employee develops a compensable hearing impairment.]* Each subsequent employer who hires an individual who already has some hearing *[impairment]* disability is liable only for the additional *[impairment]* disability that develops in *[his/her employ]* its employment, subject to the correction according to age.

[[19]] (18) The best level of hearing at each of the three (3) frequencies of five hundred (500), one thousand (1,000) and two thousand (2,000) cycles per second is determined by selection from all available audiogram(s) made within six (6) months prior to or three

(3) months after the date of employment*[, but in any case prior to work in a noisy environment]*. Earlier audiogram(s) may be used for this purpose only if none is available that were made during that nine (9)-month period.

[[20]] (19) The pre-employment average hearing level for the three (3) frequencies is calculated for each ear (section *[[13]] (12)* of this rule). *[If the decibel values are based on the ISO reference, zero (0) levels eleven (11) decibels shall be subtracted from the average hearing level to convert it to its ASA-1951 equivalent. The remainder of this section remains as originally written in terms of the ASA-1951 reference levels.]*

[[21]] (20) The correction for nonoccupational hearing loss (section *[[14]] (13)* of this rule) is applied by subtracting from the average hearing level for each ear one-half (1/2) decibel for each year of the employee's age over forty (40) at the time of his/her *[employment]* audiogram.

[[22]] (21) *[Now if]* If the corrected average hearing level of the pre-employment audiogram(s) in either ear exceeds *[fifteen (15)]* twenty-six (26) decibels, the percentage of *[binaural impairment]* disability is calculated as in sections (14) and (15) *[and (16)]* of this rule. The employer is liable for the difference in percentage of *[impairment]* disability between this value and the percentage of *[binaural]* hearing *[impairment]* disability calculated from post-employment hearing tests.

[[23]] *But if the corrected average hearing level of the pre-employment audiogram(s) does not exceed fifteen (15) decibels in either ear, the corrected pre-employment averages are subtracted from the corresponding corrected post-employment averages for each ear. The difference (that is, the threshold shift during employment corrected for the age factor) is divided by the corrected post-employment average hearing level for each ear. This fraction represents the employer's share of liability for the impairment of hearing in that ear at the date of disability.]*

[[24]] *The percentage of impairment of hearing in each ear is multiplied by the fraction calculated for that ear to give the percentages of impairment in each ear for which the employer is liable. The binaural percentage of impairment for which the employer is liable is then calculated according to section (16) of this rule.]*

AUTHORITY: section 287.650, RSMo [1986] 2000. Original rule filed Sept. 11, 1959, effective Sept. 22, 1959. Amended: Filed Aug. 18, 1967, effective Aug. 29, 1967. Emergency amendment filed Oct. 20, 2005, effective Oct. 30, 2005, expires April 27, 2006. Amended: Filed Oct. 20, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Workers' Compensation, Attn: Patricia "Pat" Secrest, Division Director, PO Box 58, Jefferson City, MO 65102-0058. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.237 Shipping of Electronic Gaming Devices, Gaming Equipment or Supplies. The commission is amending sections (1) and (2).

PURPOSE: This amendment proposes to require licensees to notify the Missouri Gaming Commission prior to shipping any gaming equipment or supplies into, out of, or within the state.

(1) Licensees shipping electronic gaming devices or gaming equipment/supplies as defined in 11 CSR 45-1.090 into, out of, or within Missouri, must file on a form specified by the commission notice at least five (5) days prior to such shipment.

(2) The [erasable, programmable read-only memory (EPROM), compact disk functioning as a read-only memory (CD-ROM), or other storage medium which contains the main-game program,] critical program storage media shall be shipped separately from the electronic gaming devices.

AUTHORITY: sections 313.004, 313.805 and 313.807.4, RSMo 2000. Original rule filed Sept. 2, 1997, effective March 30, 1998. Amended: Filed April 3, 2001, effective Oct. 30, 2001. Amended: Filed Oct. 31, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for 10:00 a.m. on Tuesday, January 10, 2006, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 1—Organization of Department of Revenue**

PROPOSED AMENDMENT

12 CSR 10-1.020 Letter Rulings. The director proposes to amend the purpose, sections (1) through (3), (10) and (12), and the authority, delete section (5) and renumber as needed.

PURPOSE: This amendment corrects statutory references in the purpose, various sections of this rule and the Authority section, clarifies the department's options pursuant to subsection (1)(B), removes the requirement for duplicate requests, and changes the time period in section (10) to conform to statute.

PURPOSE: This rule establishes procedures for issuing letter rulings pursuant to [House Bill 143, (85th General Assembly, First Regular Session),] section 536.021.[9.]10, RSMo Supp. [1989] 2004.

(1) Letter Rulings.

(A) The director or his/her duly authorized agent as authorized under section 536.021.[9.]10, RSMo, shall issue letter rulings subject to the terms and conditions set forth in this rule.

(B) When an issue on which a letter ruling is requested is clearly covered by a duly enacted statute, regulation, administrative rule or a well-established principle of interpretation of the law, the director may **decline to issue a letter ruling** or issue an information letter instead of a letter ruling. An information letter is not a letter ruling and is not binding on the department. An information letter calls attention to a well-established principle or interpretation of the law and is merely a response for informational purposes.

(2) A letter ruling request must be made in writing [and sent in duplicate] to: the Director of Revenue, 301 West High Street, Truman State Office Building, Room [660] 670, P[er]m[anent] Box 311, Jefferson City, MO 65105.

(3) A letter ruling request must specifically state—

(A) That a "letter ruling is requested pursuant to section 536.021.[9.]10, RSMo";

(B) The applicant's—

1. Name (the name of the person, partnership, corporation or entity to whom the facts presented in the request apply);
2. Address and phone number;
3. Social Security or federal identification number; and
4. Appropriate Department of Revenue license, registration or identification number, where applicable;./

[[5] The applicant may provide a duplicate cover letter coding all identifying information in the event that the department publishes the letter ruling.]

[[6]] (5) A request for a letter ruling must be signed by the applicant or an authorized agent of the applicant.

[[7]] (6) The director or his/her duly authorized representative may request additional information from the applicant as deemed necessary to issue a letter ruling. Failure to provide the requested information shall relieve the director of the obligation to issue the letter ruling.

[[8]] (7) A letter ruling shall have the following effect:

(A) The letter ruling shall apply only to the particular fact situation stated in the letter ruling request;

(B) The letter ruling shall apply only to the applicant;

(C) The letter ruling shall bind the director, his/her duly authorized agents and their successors only prospectively;

(D) The letter ruling shall bind the director, his/her duly authorized agents and their successors as to transactions of the applicant that occur within three (3) years after the date of the issuance of the letter ruling; and

(E) An unfavorable letter ruling shall not bind the applicant and shall not be appealable to any forum.

[[9]] (8) The letter ruling shall cease to be binding if—

(A) A pertinent change is made in the applicable law by the General Assembly;

(B) A pertinent change is made in the department's regulations;

(C) A pertinent change in the interpretation of the law is made by a court of law or by an administrative tribunal; or

(D) The actual facts are determined to be materially different from the facts set out in the applicant's letter ruling request.

[[10]] (9) The director will [make a good faith effort to issue letter rulings] **respond to letter ruling requests** within [ninety (90)] **sixty (60)** days of the date of receipt of a complete request [unless, in the director's discretion, the issue is of such complexity or novelty that additional time is required].

[[11]] (10) The director may refuse to issue a letter ruling for good cause. The director, in a letter, must indicate the specific reasons for refusing to issue the letter ruling. Good cause includes, but is not limited to, the following:

(A) The request does not substantially comply with the information required by this regulation;

(B) The request involves hypothetical situations or alternative plans;

(C) The applicant requests the director to determine whether a statute is constitutional under the *Missouri Constitution* or the *United States Constitution*;

(D) The facts or issue(s) presented in the request are unclear, overbroad, insufficient or otherwise inappropriate as a basis upon which to issue the letter ruling;

(E) The issue about which the letter ruling is requested is primarily one of fact;

(F) The issue is presently being considered in a rulemaking procedure, contested case or other agency or judicial proceeding that may definitively resolve the issue;

(G) The issue cannot be reasonably resolved prior to the issuance of regulations;

(H) The applicant is under investigation or audit relating to that issue, or the issue is the subject of investigation, audit, administrative proceeding or litigation;

(I) The issue relates to the application of the law to members of a business, trade, professional or industrial association or to other similar group(s); and

(J) The applicant is not identified or is anonymous.

[[12]] (11) A letter ruling shall include:

(A) A statement that: "This is a letter ruling issued by the director pursuant to section 536.021.9/10, RSMo"; and

(B) The signature of the director or any person duly authorized to issue letter rulings on his/her behalf.

[[13]] (12) The applicant may withdraw the request for a letter ruling, in writing, prior to the issuance of the letter ruling.

AUTHORITY: sections 144.190.7 and 536.021.9/10, RSMo Supp. [1989] 2004. Original rule filed Sept. 1, 1989, effective Dec. 11, 1989. Amended: Filed Oct. 20, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 2—Income Tax**

PROPOSED RESCISSION

12 CSR 10-2.195 Special Needs Adoption Tax Credit. This rule established the requirements and procedures for claiming the tax credit for a special needs adoption as provided in sections 135.325–135.339, RSMo.

PURPOSE: This rule is being rescinded because it is superseded by 12 CSR 10-400.200 Special Needs Adoption Tax Credit.

AUTHORITY: section 135.339, RSMo 1994. Original rule filed Aug. 2, 1988, effective Dec. 11, 1988. Rescinded: Filed Nov. 1, 2005.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to the proposed rescission with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.470 Consumer Cooperatives. This rule interpreted the sales tax law as it applied to consumer cooperatives.

PURPOSE: This rule is being rescinded because it is no longer necessary.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 083-3 was last filed Dec. 31, 1975, effective Jan. 10, 1976. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Amended: Filed Sept. 7, 1984, effective Jan. 12, 1985. Rescinded: Filed Nov. 1, 2005.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to the proposed rescission with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.566 Itinerant or Transitory Sellers. This rule interpreted the sales tax law as it applied to the itinerant or transitory sellers.

PURPOSE: This rule is being rescinded because it is no longer necessary.

AUTHORITY: section 144.270, RSMo 1994. This rule was previously filed as rules nos. 32 and 33 Jan. 22, 1973, effective Feb. 1, 1973. S.T. regulation 290-2 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 1, 1981. Rescinded: Filed Nov. 1, 2005.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to the proposed rescission with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.568 Sampling. This rule authorized the use of sampling in conducting a sales tax audit.

PURPOSE: This rule is being rescinded because it is no longer necessary.

AUTHORITY: section 144.270, RSMo 1994. S.T. regulation 320-2 was last filed Oct. 28, 1975, effective Nov. 7, 1975. Refiled March 30, 1976. Amended: Filed Dec. 12, 1989, effective May 11, 1990. Rescinded: Filed Nov. 1, 2005.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to the proposed rescission with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax**

PROPOSED RESCISSION

12 CSR 10-3.892 Light Aircraft—Light Aircraft Kits. This rule interpreted the sales tax law as it applied to the purchase of new light aircraft, light aircraft kits, and such parts and components.

PURPOSE: This rule is being rescinded because it is no longer necessary.

AUTHORITY: section 144.270, RSMo 1994. Emergency rule filed Aug. 18, 1994, effective Aug. 28, 1994, expired Dec. 25, 1994. Emergency amendment filed Dec. 9, 1994, effective Dec. 26, 1994, expired April 24, 1995. Original rule filed Aug. 18, 1994, effective Feb. 26, 1995. Rescinded: Filed Nov. 1, 2005.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to the proposed rescission with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 6—Motor Vehicle Fuel Tax**

PROPOSED RULE

12 CSR 10-6.030 Motor Fuel Bond Trust Fund

PURPOSE: Section 142.896, RSMo, creates the Motor Fuel Bond Trust Fund as an alternative to posting a surety bond, cash bond, certificate of deposit, or letter of credit for qualifying distributors. This rule sets the rate for contributions made to the fund and the minimum/maximum amount the fund may contain.

(1) In general, all distributors must post a bond with the department. In lieu of posting a surety bond, cash bond, certificate of deposit or letter of credit, a qualifying distributor may contribute to the Motor Fuel Bond Trust Fund, at the rate prescribed by this rule.

(2) Definition of Terms.

(A) Distributor—any person required by section 142.893, RSMo, to obtain a distributor's license.

(B) Qualifying distributor—a distributor that met all the requirements for participating in the Motor Fuel Bond Trust Fund prior to the effective date of this rule, or that completes three (3) consecutive years of satisfactory tax compliance.

(C) Satisfactory tax compliance—the act of filing all reports and making all payments in the time and manner prescribed by Chapter 142, RSMo.

(3) Basic Application of Tax.

(A) Effective July 1, 2006, the contribution rate to the Motor Fuel Bond Trust Fund is \$.0024 per gallon for motor fuel and \$.0013 per gallon for aviation gasoline.

(B) The rate per gallon applies to all gallons purchased from Missouri licensed suppliers and all gallons imported during the month subject to taxes and/or fees.

(C) Qualifying distributors that choose to participate in the fund must make contributions until the fund reaches a maximum of one (1) million dollars, except as noted in subsection (3)(E) below.

(D) When the fund reaches the maximum, participating distributors are not required to make additional contributions to the fund until the fund is reduced to five hundred thousand dollars (\$500,000), at which time the contributions will be reinstated.

(E) A qualifying distributor must pay into the fund for a minimum of one (1) year after it elects to participate even if the fund has reached the one (1)-million dollar cap.

(4) Examples.

(A) A qualifying distributor imports 500,000 gallons of gasoline into Missouri on a monthly basis. Instead of purchasing a surety bond for three times the monthly liability, the distributor chooses to contribute to the Motor Fuel Bond Trust Fund. The monthly contribution required is \$1,200 ($500,000 \times \0.0024).

(B) A qualifying distributor purchases 100,000 gallons of aviation gasoline for sale in Missouri on a monthly basis. Instead of providing a letter of credit for three times the monthly liability, the distributor chose to contribute to the Motor Fuel Bond Trust Fund. The monthly contribution required is \$130 ($100,000 \times \0.0013).

(C) A qualifying distributor that has previously posted a cash bond chooses to participate in the Motor Fuel Bond Trust Fund. At the time the distributor makes the election to participate in the fund, the fund contains one million dollars and participating distributors are not making contributions. As a newly participating distributor, the distributor must make contributions for at least one year even though the fund has reached the maximum.

AUTHORITY: sections 142.896.3 and 142.953, RSMo 2000. Original rule filed Oct. 31, 2005.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule is estimated to cost private entities an additional seventy-four thousand four hundred dollars (\$74,400) in the aggregate per year.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rule with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing scheduled.*

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-6.030 Motor Fuel Bond Trust Fund
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Currently there are 27 members.	Missouri licensed motor fuel distributors, participating in the pool bond	\$74,400

III. WORKSHEET

The Department of Revenue receives monthly payments from pool bond participants totaling approximately \$1,700. This is based upon \$.000425 per gallon. The rule increases the rate to \$.0024 per gallon. If pool bond members continue to remit monthly payments based on approximately 4 million gallons, the total paid to the pool bond would increase to \$9,600 per month or \$94,800 per year.

The estimated cost for a business to continue participating in the pool bond following the implementation of this rule is \$2,755.55.

Yearly totals based on \$.0024 per gallon	\$94,800
Yearly totals based on \$.000425 per gallon	<u>\$20,400</u>
Estimated Cost	\$74,400

Cost split between 27 participants	\$ 2,756 (will vary based on number of taxable gallons)
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IV. ASSUMPTIONS

The department assumes that for purposes of this fiscal note, the number of pool bond participants and their gallons reported will not substantially change following the implementation of this rule.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RESCISSION

12 CSR 10-23.440 Replacement License Tabs. This rule clarified the process to be used for issuance of replacement license tabs at no cost to an individual whose tabs had been stolen.

PURPOSE: This rule is being rescinded as a result of Senate Bill 378, enacted by the 93rd General Assembly, 2005, effective August 28, 2005, that allows the department to issue up to two (2) sets of replacement license plate tabs per year at no fee when the tabs were stolen and a police report accompanies the application.

AUTHORITY: section 301.301, RSMo Supp. 1995. Original rule filed Sept. 1, 1995, effective Feb. 25, 1996. Rescinded: Filed Nov. 1, 2005.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver[s] License Bureau Rule**

PROPOSED AMENDMENT

12 CSR 10-24.030 Hearings. The director proposes to amend sections (1) and (8), delete section (2) and renumber the remaining sections.

PURPOSE: This proposed amendment is necessary to comply with the changes in section 302.530, RSMo as amended by House Bill 487, enacted by the 93rd General Assembly, 2005, that removed the requirement that a license be surrendered before a hearing can be granted. Simplifies existing language in statute and renumbers sections appropriately.

(1) Individuals shall make a written request for a review of the director's determination. At the time of such request the individual must indicate whether the request is for an in-person hearing. If an in-person hearing is not requested the individual will be scheduled for a telephone hearing and will waive any further opportunity for in-person hearing. The request must actually be filed with the department on or before the effective date of the suspension or revocation. The effective date shall be fifteen (15) days after the date of issuance of the notice of suspension if the notice is hand delivered or eighteen (18) days from the date of mailing if the notice of suspension is mailed from the department. If any request for a hearing is delivered by United States mail postage prepaid after the effective date of suspension or revocation, the date of the United States postmark stamped on the envelope shall be deemed to be the date of filing. The

request shall be sent to: Missouri Department of Revenue, [Drivers and Vehicle Services] Driver License Bureau, PO Box 3700, Jefferson City, MO 65105-3700. If the effective date falls on a Saturday, Sunday or legal holiday in this state, the request for hearing shall be considered timely if it is filed on the next succeeding day which is not a Saturday, Sunday or a legal holiday as specified in 12 CSR 10-24.340.

[(2) If the person is a holder of a valid drivers license issued by this state, and if the person's drivers license has not been previously surrendered, it must be surrendered at the time the request for hearing is made. Failure to surrender the license shall be deemed a waiver of the right to an administrative hearing absent good cause shown in writing at the time a request for hearing is made.

(A) If the person's license has been lost, destroyed or stolen, and s/he is not currently suspended or revoked for any reason, s/he must apply for a duplicate license and surrender the sixty (60)-day driving receipt with the hearing request.

(B) If the person's license has been lost, destroyed or stolen, and s/he is currently suspended or revoked, s/he must submit a notarized affidavit of lost, destroyed or stolen license with the hearing request.]

[(3)] (2) Failure to properly request a hearing shall be considered a waiver of the right to an administrative hearing and shall make the director's determination final.

[(4)] (3) Individuals requesting hearings may request one (1) continuance for good cause shown. The decision to grant a continuance shall be at the discretion of the department. All requests for continuances should be in writing, state the factual basis for continuance and be signed by the individual making the request or his/her attorney. All requests for continuance must be filed not later than six (6) days prior to the date of the scheduled hearing. The following events or conditions shall constitute good cause to continue a hearing:

(A) Death of a party, representative or attorney of a party, or witness to an essential fact;

(B) Incapacitating illness of a party or representative, or attorney of a party, or witness to an essential fact. The request must contain a written statement by an attending physician reciting the nature and probable duration of the illness; and

(C) Unavailability of a party, representative or attorney, or material witness due to an unavoidable emergency.

[(5)] (4) Any delay in a hearing which is caused or requested which is not for good cause shall not result in a stay of the suspension or revocation during the period of delay.

[(6)] (5) Based upon the type of hearing requested by the individual in the written request for review the director will schedule a hearing. The party arrested/stopped may be represented by an attorney during any telephonic or in-person hearing. Notice of the hearing, place, date and time shall be sent to the party arrested/stopped and to the attorney of record, if known, at the time of notice. Suspension or revocation shall be stayed until a final order is issued following the hearing. The hearing will be conducted by department examiners who are licensed to practice law in Missouri.

[(7)] (6) The sole issue at the hearing shall be whether, by the preponderance of the evidence, the person was arrested/stopped upon probable cause to believe the alcohol concentration in the person's blood exceeded the limits provided in section 302.505, RSMo. The provisions of Chapter 536, RSMo shall apply when not inconsistent with Chapter 302, RSMo.

[(8)] (7) Subsequent to the hearing, the director shall render a final decision separately stating findings of fact and conclusions of law. [The party shall be mailed a copy of the findings of fact and conclusions of law by certified mail. The attorney of record shall be mailed a copy of the findings of fact and conclusions of law by regular mail.] The party and the attorney of record shall be mailed copies of the findings of fact and conclusions of law by regular mail.

[(9)] (8) At the hearing the party may present any facts which show the party was not driving a motor vehicle while the alcohol concentration in the person's blood exceeded the limits provided in section 302.505, RSMo. A party may subpoena witnesses in accordance with the procedures of section 536.077, RSMo. A party may subpoena witnesses, including the law enforcement officer or blood alcohol concentration analyzer to attend the hearing or participate in a telephonic hearing, by requesting a subpoena from the Department of Revenue at least five (5) working days prior to the hearing. If a witness fails to appear or participate in the hearing, after proper service of the subpoena, the Department of Revenue will continue the hearing to enforce the subpoena including enforcement action as provided in section 536.077, RSMo. In the case of death or total incapacitation of the witness, where enforcement action is not feasible, the department may consider written testimony of the witness prepared at or near the time of the incident in lieu of the actual appearance of such witness and the party may make any objection or argument to such written testimony of the witness.

[(10)] (9) The party may examine all available evidence before the hearing. Any witness may be cross-examined during the hearing.

[(11)] (10) The party aggrieved by the decision of the director may appeal to the circuit court of the county in which the arrest occurred. This appeal must be filed within fifteen (15) days after the date of the final decision of the director.

AUTHORITY: section 302.530, RSMo [2000] as amended by Senate Substitute for Senate Committee Substitute for House Bill 487, enacted by the 93rd General Assembly, 2005. Original rule filed Feb. 3, 1984, effective May 11, 1984. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 20, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 41—General Tax Provisions**

PROPOSED AMENDMENT

12 CSR 10-41.010 Annual Adjusted Rate of Interest. The department proposes to amend section (1).

PURPOSE: Under the Annual Adjusted Rate of Interest (section 32.065, RSMo), this amendment establishes the 2006 annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2006.

(1) Pursuant to section 32.065, RSMo, the director of revenue upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the Board of Governors of the Federal Reserve System in the Federal Reserve Statistical Release H.15(519) for the month of September of each year has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

Calendar Year	Rate of Interest on Unpaid Amounts of Taxes
1995	12%
1996	9%
1997	8%
1998	9%
1999	8%
2000	8%
2001	10%
2002	6%
2003	5%
2004	4%
2005	5%
2006	4%

AUTHORITY: section 32.065, RSMo 2000. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Nov. 1, 2005, effective Jan. 1, 2006, expires June 29, 2006. Amended: Filed Nov. 1, 2005.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. This proposed amendment will result in a reduction in the interest rate charged on delinquent taxes and a reduction in the amount of interest paid on refunds of certain taxes. See detailed fiscal note for further explanation.

PRIVATE COST: This proposed amendment will cost private entities more than five hundred dollars (\$500) in the aggregate. This proposed amendment will result in a reduction in the interest rate charged on delinquent taxes and a reduction in the amount of interest paid on refunds of certain taxes. The actual number of affected taxpayers is unknown. See detailed fiscal note for further explanation.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-41.010 Annual Adjusted Rate of Interest
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Counties	There are no expenditures required by this regulation. Because the amount of interest collected on past due amounts of taxes will be at a decreased rate, the aggregate impact on public entities will be more than \$500. The future amount of past due taxes is unknown, however, the gross amount of delinquent taxes as of June 30, 2005, was \$1,211,690,044. The decreased interest on that amount as a result of the proposed amendment would be \$12,116,900.44. The precise dollar impact on public entities is also unknown, however, for interest accrued on tax amounts owed as of or after the effective date of this rule, the cost to the public entities will be \$1 per year for every \$100 of tax owed.
Cities	
Special Taxing Districts	

III. WORKSHEET

The proposed amendment adjusts the rate of interest for 2006 to 4%, down from 5% in 2005.

IV. ASSUMPTIONS

Pursuant to Section 32.065, RSMo, the director of revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percent.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-41.010 Annual Adjusted Rate of Interest
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Any taxpayer with past due tax amounts.	Any taxpayer with past due tax amounts.	Because the amount of interest collected on past due amounts of taxes will be at a decreased rate, the aggregate impact on private entities will be less than \$500. The future amount of past due taxes is unknown, however, the gross amount of delinquent taxes as of June 30, 2005, was \$1,211,690,044. The decreased interest on that amount as a result of the proposed amendment would be \$12,116,900.44. The precise dollar impact on private entities is also unknown, however, for interest accrued on tax amounts owed as of or after the effective date of this rule, the savings to the private entity will be \$1 per year for every \$100 of tax owed.

III. WORKSHEET

The future amount of past due taxes is unknown. The gross amount of delinquent taxes as of June 30, 2005, was \$1,211,690,044. The 1% interest increase on that amount as a result of the proposed amendment would be \$12,116,900.44. The precise dollar impact on private entities is also unknown, however, for interest accrued on tax amounts owed as of or after the effective date of this rule, the savings to the private entity will be \$1 per year for every \$100 of tax owed. Following is a comparison for the cost to a taxpayer with a past due amount of \$100:

	Current Rule – 5%	Proposed Amendment – 4%
Past due tax amount	\$100.00	\$100.00
Interest amount	5.00	4.00
Total Amount Due	\$105.00	\$104.00

IV. ASSUMPTIONS

Pursuant to Section 32.065, RSMo, the director of revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percent. Because the future amount of past due taxes is unknown, the precise dollar impact on private entities is also unknown, however, for interest accrued on tax amounts owed as of or after the effective date of this rule, the savings to the private entity will be \$1 per year for every \$100 of tax owed.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 3—Conditions of Provider Participation,
Reimbursement and Procedure of General Applicability

PROPOSED AMENDMENT

13 CSR 70-3.020 Title XIX Provider Enrollment. The division is amending sections (3) and (4).

PURPOSE: This amendment clarifies that the Missouri Medicaid program will not enroll as a provider any individual who has been convicted or plead guilty to endangering the welfare of a child; abusing or neglecting a resident, patient, or client; misappropriating funds or property belonging to a resident, patient, or client; or falsifying documentation verifying delivery of services to an in-home services client.

(3) The single state agency, at its discretion, may deny or limit an applying provider's enrollment and participation in the Missouri Title XIX Medicaid Program for any one (1) of the following reasons:

(D) Previous or current involuntary surrender, removal, termination, suspension, ineligibility or otherwise involuntary disqualification from participation in another governmental or private medical insurance program. This includes, but is not limited to, **programs such as Workers' Compensation, Crippled Children's Services and Rehabilitation Services and Special Health Needs.** For the purposes of subsections (3)(B)–(D), involuntary surrender, removal, termination, suspension, ineligibility or other involuntary disqualification shall include withdrawal from medical assistance or medical insurance program participation arising from or as a result of any adverse action by a government agency, licensing authority or criminal prosecution authority of Missouri or any other state or the federal government including Medicare;

(H) Any termination, removal, suspension, revocation, denial or consented surrender or other involuntary disqualification of any license, permit, certificate or registration related to the applying provider's business or profession **that is or might be harmful or dangerous to the mental or physical health of a patient in Missouri or any other state of the United States.** Any such license, permit, certificate or registration which has been denied or lost by the provider for reasons not related to matters of professional competence in the practice of the applying provider's profession, upon proof of current reinstatement, shall not be considered by the agency in its decision to enroll the applying providers;

(L) Failure to supply further information to the single state agency after receiving a written request for further information pursuant to an enrollment application; *for*

(M) Failure to affix a proper signature to an enrollment application. Submission of an application bearing a signature that conceals the involvement in the provider's operation of a person who would otherwise be ineligible for Medicaid participation shall be grounds for denial of enrollment by the single state agency. Otherwise, the single state agency shall give the applying provider an opportunity to provide a proper signature and, after that, consider the application as if the proper signature was originally affixed./;

(N) A previous or current conviction or a plea of guilty to a misdemeanor or felony charge, including any suspended imposition of sentence, any suspended execution of sentence or any period of probation or parole relating to:

1. Endangering the welfare of a child;
2. Abusing or neglecting a resident, patient, or client;
3. Misappropriating funds or property belonging to a resident, patient, or client; or
4. Falsifying documentation verifying delivery of services to a personal care assistance services consumer;

(O) Placement on the employee disqualification list maintained by the Department of Health and Senior Services; or

(P) Placement on the sexual offender list.

(4) After investigation and review of an applying provider's application for enrollment and consideration of all the information, facts and circumstances relevant to the application, including, but not limited to, a review of the applying provider's affiliates, the single state agency, at its discretion, in the best interest of the Medicaid program, will make one (1) of the following determinations:

(C) Deny or limit the applying provider's enrollment for one (1) or more of the reasons in subsections (3)(A)–~~(M)~~(P).

AUTHORITY: sections 208.153, 208.159 and 208.201, RSMo 2000. This rule was previously filed as 13 CSR 40-81.165. Original rule filed June 14, 1982, effective Sept. 11, 1982. Amended: Filed July 30, 2002, effective Feb. 28, 2003. Amended: Filed April 29, 2005, effective Oct. 30, 2005. Amended: Filed Nov. 1, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication in the *Missouri Register*. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of
Missouri
Chapter 5—Retirement, Options and Benefits

PROPOSED AMENDMENT

16 CSR 10-5.030 Beneficiary. The Public School Retirement System of Missouri is adding two new sections (15) and (16) to this rule to specify the manner in which section 169.076, RSMo, is implemented.

PURPOSE: This amendment sets forth the procedure for naming beneficiaries and their eligibility as provided by sections 169.070, 169.075 and 169.076, RSMo.

(15) Pursuant to section 169.076.2, RSMo, the member's marriage, divorce, withdrawal of accumulated contributions, or the birth of the member's child, or the member's adoption of a child, shall result in an automatic revocation of the member's previous designation in its entirety only if such event occurred on or after August 28, 2005 and before the member's effective retirement date.

(16) If a member's child eligible to receive a benefit pursuant to section 169.075, RSMo, due to the application of section 169.076.1, RSMo, elects to receive the member's accumulated contributions in lieu of benefits under section 169.075, the accumulated contributions shall be distributed to all surviving children, regardless of their eligibility for benefits pursuant to section 169.075, RSMo, in equal shares pursuant to section 169.070.5, RSMo. However, if the application of section 169.076, RSMo, is not required due to the member having a valid nomination of beneficiary form filed with the system, then the member's accumulated contributions, if chosen by the named beneficiary or beneficiaries, shall be distributed according to such nomination of beneficiary form.

AUTHORITY: section 169.020, RSMo 2000. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Nov. 1, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public School and Public Education Employee Retirement Systems of Missouri, Steve Yoakum, Executive Director, PO Box 268, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 6—The [Non-Teacher School] Public Education Employee Retirement System of Missouri

PROPOSED AMENDMENT

16 CSR 10-6.090 Beneficiary. The Public Education Employee Retirement System of Missouri is adding new section (8) to this rule to specify the manner in which section 169.676, RSMo, is implemented.

PURPOSE: This amendment sets forth the procedure for establishing beneficiaries and their eligibility for benefits as authorized in sections 169.663, 169.670 and 169.676, RSMo.

(8) Pursuant to section 169.676.2, RSMo, the member's marriage, divorce, withdrawal of accumulated contributions, or the birth of the member's child, or the member's adoption of a child, shall result in an automatic revocation of the member's previous designation in its entirety only if such event occurred on or after August 28, 2005 and before the member's effective retirement date.

AUTHORITY: section 169.610, RSMo 2000. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Nov. 1, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public School and Public Education Employee Retirement Systems of Missouri, Steve Yoakum, Executive Director, PO Box 268, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—[Division of Health Standards and Licensure] Division of Regulation and Licensure
Chapter 81—Certification

PROPOSED AMENDMENT

19 CSR 30-81.010 General Certification Requirements. The department is amending sections (1)–(7), and (9)–(14).

PURPOSE: This amendment changes the name of the agency throughout due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services, changes the name of the federal agency due to the Health Care Financing Administration being renamed the Centers for Medicare and Medicaid Services, defines Section for Long Term Care, and describes application procedures for certification.

(1) Definitions.

(A) Certification shall mean/s/ the determination by the [Division of Aging] Missouri Department of Health and Senior Services, or the [Health Care Financing Administration] Centers for Medicare and Medicaid Services, that a licensed skilled nursing or intermediate care facility (SNF/ICF) licensed under Chapter 198, RSMo, or an ICF for persons with mental retardation (ICF/MR), is in substantial compliance with all federal requirements and is approved to participate in the Medicaid or Medicare programs.

(B) CMS shall mean the Centers for Medicare and Medicaid Services of the U.S. Department of Health and Human Services.

[(B)] (C) Cost reporting year shall mean/s/ the facility's twelve (12)-month fiscal reporting period covering the same twelve (12)-month period that the facility uses for its federal income tax reporting.

[(C)] (D) Distinct part shall mean/s/ a portion of an institution or institutional complex that is certified to provide SNF or NF services. A distinct part must be physically distinguishable from the larger institution and must consist of all beds within the designated area. The distinct part may be a separate building, floor, wing, ward, hallway or several rooms at one end of a hall or one side of a corridor.

[(D)] (E) [Division] Department shall mean/s/ the [Division of Aging (DA),] Missouri Department of [Social] Health and Senior Services.

[(E)] HCFA means the Health Care Financing Administration section of the United States Department of Health and Human Services (HHS).]

(F) ICF/MR shall mean/s/ intermediate care facility for persons with mental/[y] retard/ed/ation.

(G) Medicaid shall mean/s/ Title XIX of the federal Social Security Act.

(H) Medicare shall mean/s/ Title XVIII of the federal Social Security Act.

(I) Nursing facility (NF) shall mean/s/ an SNF or ICF licensed under Chapter 198, RSMo which has signed an agreement with the Department of Social Services to participate in the Medicaid program and which is certified by the [Division of Aging] department. As used within the contents of this rule, licensed SNFs, SNF/ICF and ICFs participating in the Medicaid program are subject to state and federal laws and regulations for participation as an NF.

(J) Section for Long Term Care (SLTC) shall mean that section of the department responsible for licensing and regulating long-term care facilities licensed under Chapter 198, RSMo.

[(J)](K) Skilled nursing facility (SNF) shall mean/s/ an SNF licensed under Chapter 198, RSMo which has a signed agreement with the [HCFA] CMS to participate in the Medicare program and which has been recommended for certification by the [Division of Aging] department.

[(K)](L) Title XVIII shall mean/s/ the Medicare program as provided for in the federal Social Security Act.

[(L)](M) Title XIX shall mean/s/ the Medicaid program as provided for in the federal Social Security Act.

(2) An operator of an SNF or ICF licensed by the *[division]* **department** electing to be certified as a provider of skilled nursing services under the Title XVIII (Medicare) or NF services under the Title XIX (Medicaid) program of the Social Security Act; or an operator of a facility electing to be certified as an ICF/MR facility under Title XIX shall submit application materials to the *[division]* **department** as required by federal law, **on forms approved by the department**, and shall comply with standards set forth in the *Code of Federal Regulations* (CFR) of the United States Department of Health and Human Services in 42 CFR chapter IV, part 483, subpart B for nursing homes and 42 CFR chapter IV, part 483, subpart I for ICF/MR facilities, as appropriate.

[(A)] For Medicaid, the application shall include:

1. Form HCFA CMS 671, Long Term Care Facility Application for Medicare and Medicaid;
2. Form HCFA 1513, Disclosure of Ownership and Control Interest Statement; and
3. Form DA-113, Bed Classification for Licensure and Certification by Category.

[(B)] For Medicare, the application shall include:

1. Form HCFA 671, Long Term Care Facility Application for Medicare and Medicaid;
2. Form HCFA 855, Health Care Provider/Supplier Application;
3. Expression of Intermediary Preference Form;
4. Form DA-113, Bed Classification for Licensure and Certification by Category;
5. Three (3) copies of form HCFA 1561, Health Insurance Benefit Agreement;
6. Two (2) copies of form HCFA 2572, Statement of Financial Solvency; and
7. Three (3) copies of form HHS 690, Assurance of Compliance.]

[(C)](A) SNFs or NFs which are newly certified or which are undergoing a change of ownership shall submit an initial certification fee in the amount up to one thousand dollars (\$1,000) as stipulated by the *[division]* **department** in writing to the operator following receipt of the properly completed application material referenced in *[sub]section (2)[(A) or (2)(B)]*. The amount for the initial certification fee shall be the prorated portion of one thousand dollars (\$1,000) with prorating based on the month of receipt of the application in relation to the beginning of the next federal fiscal year. This initial certification fee shall be nonrefundable and a facility shall not be certified until the fee has been paid. *[The facility shall complete all requirements for certification prior to the end of the federal fiscal year in which application was made. If not, an additional certification fee of one thousand dollars (\$1,000) shall be submitted to the division by October 1 or the application shall be considered withdrawn.]*

[(D)](B) All SNFs or NFs certified to participate in the Medicaid or Medicare program(s) shall submit to the *[division]* **department** an annual certification fee of one thousand dollars (\$1,000) prior to October 1 of each year. If the fee is not received by that date each year, a late fee of fifty dollars (\$50) per month shall be payable to the *[division]* **department**. If payment of any fees due is not received by the *[division]* **department** by the time the facility license expires or by December 31 of that year, whichever is earlier, the *[division]* **department** shall notify the Division of Medical Services and the *[Health Care Financing Administration]* CMS recommending termination of the Medicaid or Medicare agreement as denial of license will occur as provided in *[13 CSR 15-10.010]* **19 CSR 30-82.010** and section 198.022, RSMo.

(3) Application material shall be signed and dated and submitted to the *[division's central office]* **department's SLTC licensure unit** at least fourteen (14) working days prior to the date the facility is ready to be surveyed for compliance with federal regulations (**Initial Certification Survey**). The operator or authorized representative shall notify the appropriate *[division]* **department** regional office by letter or by phone as to the date the facility will be ready to be surveyed. There shall be at least two (2) residents in the facility before a survey can be conducted. The facility shall already be licensed or with licensure in process shall be in compliance with all state rules.

(4) Any facility certified for participation as an NF in the Title XIX Medicaid program electing to participate in the Title XVIII Medicare program shall submit an application signed and dated **by the operator or his or her authorized representative** to the *[division's central office]* **department's SLTC central office licensure unit**. The *[division]* **department** will recommend Medicare certification to the *[HCFA]* CMS effective the date the application material is received by the *[division]* **department** or a subsequent date if requested by the provider, provided the facility was in compliance with all federal and state regulations for SNFs at the last survey conducted by the *[division]* **department** and provided the facility's application is complete and has been approved by the Medicare fiscal intermediary.

(5) Any facility certified for participation in the Medicare program wishing to participate in the Medicaid program shall submit a signed and dated application to the *[division's]* **department's** central office. The *[division]* **department** will certify the facility for Medicaid participation effective the date the application is received by the *[division]* **department** or a subsequent date requested by the provider, provided the facility was in compliance with all federal regulations at the last survey conducted by the *[division]* **department** and the application is complete.

(6) For newly certified facilities, the facility will be certified for either Medicare or Medicaid participation effective the date the facility receives a license at the proper level or the date the facility achieves substantial compliance with the federal participation requirements, whichever is the later date. The application shall be completed. For certification in the Title XVIII (Medicare) program, the Medicare fiscal intermediary must approve the application and the *[HCFA]* CMS must concur with the *[division's]* **department's** recommendation.

(7) The *[division]* **department** shall conduct federal surveys in SNFs, NFs and ICF/MR facilities, utilizing regulations and procedures contained in—

(B) The Survey and Certification Regional letters received by the *[division]* **department** from the *[HCFA regional office in Kansas City]* CMS;

(8) A facility, in its application, shall designate the number of beds to be certified and their location in the *[ir]* facility. A facility can be wholly or partially certified. If partially certified, the beds shall be in a distinct part of the facility and all beds shall be contiguous.

(9) If a facility certified to participate in the Title XIX (Medicaid) or Title XVIII (Medicare) program elects to change the size of its distinct part, it must submit a written request to the Licensure/Certification Unit or the ICF/MR Unit of the *[division]* **department**, as applicable. The request shall specify the room numbers involved, the number of beds in each room and the facility cost reporting year end date. The request must include a floor diagram of the facility and a signed DA-113 form, Bed Classification for Licensure and Certification by Category. A facility is allowed two (2) changes in the size of its distinct part during the facility cost reporting year. This may be two (2) increases or one (1) increase and one (1) decrease. It may not be two (2) decreases. The first change can

be done only at the beginning of the facility cost reporting year and the second change can be done effective at the beginning of a facility cost reporting quarter within that facility cost reporting year. All requests must be submitted to the Licensure/Certification Unit or the ICF/MR Unit of the *[division]* department at least forty-five (45) days in advance. Any facility wishing to eliminate its distinct part to go to full certification may do so effective at the beginning of the next facility cost reporting *[year]* quarter with forty-five (45) days notice. The distinct part may be reestablished only at the beginning of the next facility cost reporting year. A facility may change the location of the distinct part with thirty (30) days notice to the Licensure/Certification Unit or the ICF/MR Unit of the *[division]* department.

(10) If a facility certified to participate in the Title XIX (Medicaid) or Title XVIII (Medicare) program undergoes a change of operator, the new operator shall submit an application as specified in section (2) of this rule. The application shall be submitted within five (5) working days of the change of operator. For applications made for the Title XIX (Medicaid) program, the *[division]* department shall provide the application to the Division of Medical Services of the Department of Social Services so that a provider agreement can be negotiated and signed. For applications made for the Title XVIII (Medicare) program, the *[division]* department shall provide the application to the *[HCFA]* CMS. Certification status will be retained unless or until formally denied.

(11) If it is determined by the *[division]* department that a facility certified to participate in Medicaid or Medicare does not comply with federal regulations at the time of a federal survey, complaint investigation or state licensure inspection, the *[division]* department shall take enforcement action using the regulations and procedures contained in the following sources:

(C) *[Sections 1819(h) and 1919(h) of the Social Security Act]* 42 U.S.C. Section 1395i-3;

(D) 42 U.S.C. Section 1396(r);

(12) If a facility certified to participate in the Medicaid Title XIX program has been decertified as a result of noncompliance with the federal requirements, the facility can be readmitted to the Medicaid program by submitting an application for initial participation in the Medicaid program. After having received the application, the *[division]* department shall conduct a survey at the earliest possible date to determine if the facility is in substantial compliance with all federal participation requirements. The effective date of participation will be the date the facility is found to substantially comply with all federal requirements.

(13) If a change in the administrator or the director of nursing of a facility occurs, the facility shall provide written notice to the *[division's]* department's SLTC central office *[at the time]* licensure unit within ten (10) calendar days of the change. The notice shall *[indicate]* show the effective date of the change, the identity of the new director of nursing or administrator and a copy of *[his/her]* his or her license or the license number. *[A change of administrator is also part of the licensure application process; therefore, the]* Change of administrator information shall be submitted as a notarized statement by the operator in accordance with section 198.018, RSMo.

(14) An NF may request a waiver of nurse staffing requirements to the extent the facility is unable to meet the requirements including the areas of twenty-four (24)-hour licensed nurse coverage, the use of a registered nurse for eight (8) consecutive hours seven (7) days per week and the use of a registered nurse as director of nursing.

(A) Requests for waivers shall be made in writing to the *[deputy]* director, *[Division of Aging]* of the Section for Long Term Care.

(C) The *[division]* department shall consider each request for a waiver and shall approve or disapprove the request in writing **post-marked** within thirty (30) working days of receipt or, if additional information is needed, shall request from the facility the additional information or documentation within ten (10) working days of receipt of the request.

(D) Approval of a nurse waiver request shall be based on an evaluation of whether the facility has been unable, despite diligent efforts—including offering wages at the community prevailing rate for nursing facilities—to recruit the necessary personnel. Diligent effort shall mean prominently advertising for the necessary nursing personnel in a variety of local and out-of-the-area publications, including newspapers and journals within a fifty (50)-mile radius, and which are within state boundaries; contacts with nursing schools in the area; and participation in job fairs. The operator shall submit evidence of the diligent effort including:

1. Copies of newspapers and journal advertisements, correspondence with nursing schools and vocational programs, and any other relevant material;

2. If there is a nursing pool agency within fifty (50) miles which is within state boundaries and the agency cannot consistently supply the necessary personnel on a per-/diem basis to the facility, the operator shall submit a letter from the agency so stating;

3. Copies of current staffing patterns including the number and type of nursing staff on each shift and the qualifications of licensed nurses;

4. A current *[form HCFA 672, Resident Census and Conditions of Residents]* resident census form approved by the department;

5. Evidence that the facility has a registered nurse consultant required under *[13 CSR 15-14.042(36)(B)]* 19 CSR 30-85.042 and evidence that the facility has made arrangements to assure registered nurse involvement in the coordination of the assessment process as required under 42 CFR 483.20(c)(1)(ii)(3);

6. Location of the nurses' stations and any other pertinent physical feature information the facility chooses to provide;

7. Any other information deemed important by the facility including personnel procedures, promotions, staff orientation and evaluation, scheduling practices, benefit programs, utilization of supplemental agency personnel, physician-nurse collaboration, support services to nursing personnel and the like; and

8. For renewal requests, the information supplied shall show diligent efforts to recruit appropriate personnel throughout the prior waiver period. Updates of prior submitted information in other areas are acceptable.

(E) In order to meet the conditions specified in federal regulation 42 CFR 483.30, the following shall be considered in granting approval:

1. There is assurance that a registered nurse or physician is available to respond immediately to telephone calls from the facility for periods of time in which licensed nursing services are not available;

2. There is assurance that if a facility requesting a waiver has or admits after receiving a waiver any acutely ill or unstable residents requiring skilled nursing care, the skilled care shall be provided in accordance with state licensure rule *[13 CSR 15-14.042(6)]* 19 CSR 30-85.042; and

3. The facility has not received a Class I notice of noncompliance in resident care within one hundred twenty (120) days of the waiver request or the *[division]* department has not conducted an extended survey in the facility within one (1) year of the waiver request. Any facility which receives a Class I notice of noncompliance in resident care or an extended survey while under waiver status will not have the waiver renewed unless the problem has been corrected and steps have been taken to prevent recurrence. If a facility received more than one (1) Class I notice of noncompliance in resident care during a waiver period, the *[Division of Aging]* department will consider revocation of the waiver.

(F) The facility shall cooperate with the *[Division of Aging]* department in providing the proper documentation. For renewal requests, the request and proper documentation shall be submitted to the *[Division of Aging]* department at least forty-five (45) days prior to the ending date of the current waiver period. If any changes occur during a waiver period that affect the status of the waiver, a letter shall be submitted to the deputy director of institutional services within ten (10) days of the changes. The request for a waiver or renewal of a waiver shall be denied if the facility fails to abide by these previously mentioned time frames.

(G) If a waiver request is denied, the *[division]* department shall notify the facility in writing and within twenty (20) days, the facility shall submit to the *[division]* department a written plan for how the facility will recruit the required personnel. If appropriate personnel are not hired within two (2) months, the *[division]* department shall initiate enforcement proceedings.

AUTHORITY: section[s 208.151 and 536.021], 660.050, RSMo Supp. [2000] 2004. This rule originally filed as 13 CSR 15-9.010. Emergency rule filed Sept. 18, 1990, effective Oct. 1, 1990, expired Jan. 25, 1991. Original rule filed Nov. 2, 1990, effective June 10, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Nov. 1, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David S. Durbin, Director, Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20—DEPARTMENT OF INSURANCE

Division 200—Financial Examination

Chapter 6—Surplus Lines

PROPOSED AMENDMENT

20 CSR 200-6.100 Surplus Lines Insurance Forms. The department is amending sections (1) and (2), adding subsections (A) and (B) to section (2) and deleting the forms which follow the rule in the *Code of State Regulations*.

PURPOSE: This amendment changes the method of filing Appendix 1 and Appendix 3 reports and adds a provision for proof of filing said reports via electronic means.

(1) Forms.

(A) Appendix 1 *[of this rule, included herein,]* is the *[form]* method prescribed by the director of the Missouri Department of Insurance for filing the confidential written report required by section 384.031, RSMo. The Appendix 1 data may be filed manually by U.S. mail, express courier delivery, or personal delivery or electronically using systems, software and/or methods prescribed by the director.

(B) Appendix 3 *[of this rule, included herein,]* is the *[form]* method prescribed by the director of the Missouri Department of Insurance for filing the annual report required by section 384.057, RSMo. The Appendix 3 data may be filed manually by U.S. mail, express courier delivery, or personal delivery or electronically using systems, software and/or submission methods prescribed by the director.

(2) Proof of Filing.

(A) **Proof of filing** will be provided to the surplus lines licensee making the filings if the surplus lines licensee encloses a duplicate copy of filings and a self-addressed, stamped envelope.

(B) **Proof of filing will be provided to the surplus lines licensee making electronic filings by means or methods prescribed by the director of the Missouri Department of Insurance.**

AUTHORITY: sections 374.045, 384.017, 384.031 and 384.057, RSMo 2000. This rule was previously filed as 4 CSR 190-10.103. Original rule filed May 4, 1987, effective Aug. 1, 1987. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Nov. 1, 2005.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10 a.m. on January 5, 2006. The public hearing will be held at the Harry S Truman State Office Building, 301 West High Street, Room 530, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on January 5, 2006. Written statements shall be sent to Kevin Hall, Department of Insurance, PO Box 690, Jefferson City, Missouri 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify the Department of Insurance at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 10—Air Conservation Commission Chapter 1—Organization

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission adopts a rule as follows:

10 CSR 10-1.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 15, 2005 (30 MoReg 1332-1336). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received comments from the Attorney General of Missouri, Regulatory Environmental Group for Missouri, Washington University in St. Louis, and the Missouri Ag Industries Council, Inc. The comments were generally supportive of the proposed rule, however the recently signed House Bill 824 that transfers the responsibilities for conducting hearings to the Administrative Hearing Commission required revisions to the text and elimination of many sections of the proposed rule.

COMMENT: The Attorney General of Missouri comments that the proposed rule be modified to be consistent with House Bill 824. The new statute, effective this August 28, transfers responsibilities for

conducting hearings to the Administrative Hearing Commission (AHC), while preserving the Air Conservation Commission's authority to make final decisions, with certain limitations. As proposed, some provisions of this rule will conflict with House Bill 824 and most provisions are no longer needed. But this commission should still adopt provisions covering how it will handle an appeal after the AHC has performed its duties. This is found in subsection (4)(D). That is the portion of the rule that discusses what happens after a recommendation is returned to the commission. In a phone call with the general counsel of the Missouri Department of Natural Resources it was suggested that the commission withdraw or hold this rule in abeyance until the Commissioners Core Workgroup can reconvene and discuss the matter further. Sections (1)-(4) would need to be modified as explained in written testimony provided to the commission. Sections (5)-(21) should be deleted.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program recognizes the significant impact that House Bill 824 has on the proposed rule. While the purpose of the proposed rule will be reduced due to the authority of the AHC, the department's Air Pollution Control Program believes that the need for this rule still exists. The suggested changes to the proposed rule presented by the Attorney General's Office have been made to make the rule consistent with House Bill 824.

COMMENT: Regulatory Environmental Group for Missouri (REGFORM) comments that they are pleased to see this proposal come before the commission. The proposal contains many of the provisions asked for by our group with the Commissioners Core Workgroup. Our group sees the use of the AHC as a positive. It addresses our previous concerns about the frustration of the commissioners in handling formal hearings due to lack of legal training and a timeliness issue of scheduling and hearing appeals. The use of the AHC will also result in a more reliable record of decisions made and prevent any potential conflict of interest.

RESPONSE: The department's Air Pollution Control Program agrees that the proposed rule is consistent with the intent of the Commissioners Core Workgroup and addresses REGFORM's concerns. Therefore, no changes were made to the rule as a result of this comment.

COMMENT: Washington University School of Law provided general comments that the rule makes no provision for publication of final decisions of the commissions. Publishing the decisions would assist others in predicting the commission's decision on other appeals. The rule does not generally incorporate the Missouri Rules of Civil Procedure/Evidence where otherwise silent. The rule does not provide a specific procedure for appeals of commission decisions. Specific comments are as follows: section (3) should not allow a commissioner to hear an appeal due to potential bias or select a hearing officer; section (6) should make proceedings accessible to persons or entities that cannot afford a lawyer; section (8) should clarify that discovery filings need not be filed, except as provided in the separate discovery rule; section (11) the rule should incorporate the service rule and standard for pleadings and motions from the Missouri Rules of Civil Procedure; section (14) concerning discovery should mirror the Missouri Rules of Civil Procedure; section (19) on hearings should require at least sixty (60) days notice of a hearing on merits and not automatically require the petitioner to present evidence first; and section (21) should mirror the Missouri Rules of Civil Procedure and allow fees and expenses to be sought through motion.

RESPONSE AND EXPLANATION OF CHANGE: The suggested changes to sections (6), (8), (11), (14), (19) and (21) are no longer necessary because the new statute resulting from House Bill 824 transfers responsibilities for conducting hearings to the AHC. As a result, this proposed rule will not be able to impose requirements

beyond what the AHC currently practices. However, the revised language in section (3) considered the suggested changes made in this comment as well as other comments received on this rulemaking.

COMMENT: Missouri Ag Industries Council, Inc. (Mo-Ag) comments that the Missouri General Assembly has enacted and the governor has signed House Bill 824. This new law refers all environmental appeals to the AHC for fact finding and recommended decisions. In many respects, this new law has obviated the need for many of these proposed regulations. Consequently, Mo-Ag recommends that the Core Commissioner's Workgroup reconvene and make a new recommendation on proposed procedural rules for appeals in the post-HB 824 era. Mo-Ag would further recommend that the commission withdraw this proposed rule pending receipt of recommendation from the workgroup. Sections (3) and (4) would need to be revised to reflect the AHC appointment as hearing officer. Mo-Ag objects to section (6) that allows any individual to file an initial pleading. A lawyer should be required. Section (7) needs to be revised to further define examples that require a notice of institution of the case. It should also have a notification feature on third-party appeals. Section (7) should also provide direction on how to caption an appeal and when an answer to the writing is required. Section (9) needs to be revised to eliminate the term presiding officer and replace with AHC and clarify whether duplicate filings must be made with the Air Commission and the AHC. Section (14) needs to place limitations on the discovery process to prohibit burdensome and inappropriate discovery requests. Section (15) should add an additional sanction of dismissal of the appeal. Section (16) should have a provision that would provide an incentive for parties to stipulate to the facts allowing motions for summary judgement. Subsection (19)(C) should be changed so that hearings not be conducted in less than thirty (30) days notice instead of ten (10). It should also freely grant continuances if both parties' request a continuance or one party cannot show prejudice if the matter is continued. The rule should also require the AHC to provide a copy of its proposed decision to all parties of record in addition to the Air Commission.

RESPONSE AND EXPLANATION OF CHANGE: The suggested changes to sections (6), (7), (9), (14), (15), (16) and (19) are no longer necessary because the new statute resulting from House Bill 824 transfers responsibilities for conducting hearings to the AHC. As a result, this proposed rule will not be able to impose requirements beyond what the AHC currently practices. However, the revised language in sections (3) and (4) considered the suggested changes made in this comment as well as other comments received on this rulemaking.

10 CSR 10-1.030 Air Conservation Commission Appeals and Requests for Hearings

PURPOSE: *This rule contains procedural regulations for all contested cases before the commission.*

(1) Subject. This rule contains procedural regulations for all contested cases before the commission.

(2) Definitions. As used in this rule, the following terms mean:

(A) Commission—The Missouri Air Conservation Commission;

(B) Department—The Department of Natural Resources, which includes the director thereof, or the person or division or program within the department delegated the authority to render the decision, order, determination, finding, or other action that is subject to review by the commission;

(C) Hearing—Any presentation to, or consideration by the hearing officer of evidence or argument on a petition seeking the commission's review of an action by the department;

(D) Hearing officer—Administrative Hearing Commission; and

(E) Person—An individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock compa-

ny, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government or any other legal entity whatever, which is recognized by law as the subject of rights and duties.

(3) Filing an Appeal or Requesting a Hearing.

(A) Any person adversely affected by a decision of the department or otherwise entitled to ask for a hearing may appeal to have the matter heard by filing a petition with the Administrative Hearing Commission within thirty (30) days after the date the decision was mailed or the date it was delivered, whichever date was earlier.

(B) A petition sent by registered mail or certified mail will be deemed filed on the date it is mailed. If it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the Administrative Hearing Commission.

(4) Procedures.

(A) The hearing shall be conducted in accordance with the provisions of Chapter 536, RSMo, and the regulations of the Administrative Hearing Commission promulgated thereunder.

(B) Upon receipt of the hearing officer's recommendation and the record in the case, the commission shall—

1. Distribute the hearing officer's recommendation to the parties or their counsel;

2. Allow the parties or their counsel an opportunity to submit written arguments regarding the recommendation;

3. Allow the parties or their counsel an opportunity to present oral arguments before the commission makes the final determination;

4. Complete its review of the record and deliberations as soon as practicable;

5. Deliberate and vote upon a final, written determination during an open meeting, except that the commission may confer with its counsel in closed session with respect to legal questions;

6. Issue its final, written determination as soon as practicable, including findings of fact and conclusions of law. The decision of the commission shall be based only on the facts and evidence in the record; and

7. The commission may adopt the recommended decision of the hearing officer as its final decision. The commission may change a finding of fact or conclusion of law made by the hearing officer, or may vacate or modify the recommended decision, only if the commission states in writing the specific reason for a change.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 5—Conduct of Gaming

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805, 313.807 and 313.817, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-5.180 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2005 (30 MoReg 1644). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Gaming Commission received four (4) comments on the proposed amendment.

COMMENT: Harrah's Maryland Heights, LLC and Harrah's North Kansas City, LLC requested that subsection (3)(D) be removed, which subsection prohibits licensees or its employees from making

false or misleading statements relating to tournaments or conducting tournaments in a manner that reflects negatively on the licensee, the commission, or the integrity of gaming in Missouri. Harrah's states that the subsection is very broad and open to interpretation concerning the meaning of false and misleading.

RESPONSE: The prohibitions contained in subsection (3)(D) are similar to other requirements in 11 CSR 45-1, et seq., and are well-defined in Missouri law.

COMMENT: Harrah's Maryland Heights, LLC and Harrah's North Kansas City, LLC commented that subsection (3)(H), which makes a designated compliance officer responsible for the conduct of tournaments, should be modified because under Harrah's operational structure the compliance officer has no direct or routine involvement with the development or implementation of tournaments.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (3)(H) will be changed to shift the responsibility for the conduct of tournaments from a designated compliance officer to an employee position acceptable to the commission that is designated by the licensee in its internal control system.

11 CSR 45-5.180 Tournament Chips and Tournaments

(3) As used in this rule, a tournament is a contest offered and sponsored by a Class A licensee in which patrons may be assessed an entry fee or be required to meet some other criteria to compete against one another in a gambling game or series of gambling games in which winning patrons received a portion or all of the entry fees, if any, which may be increased with cash or non-cash prizes from the Class A licensee. Class A licensees may conduct tournaments provided:

(H) The Class A licensee shall designate in its internal control system an employee position acceptable to the commission that shall be responsible for ensuring adherence to the rules set forth in this section.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 5—Conduct of Gaming

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004 and 313.805, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-5.181 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2005 (30 MoReg 1644-1645). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Gaming Commission received two (2) comments on the proposed amendment.

COMMENT: Harrah's Maryland Heights, LLC and Harrah's North Kansas City, LLC commented that subsection (2)(F), which makes a designated compliance officer responsible for the conduct of promotional activities, should be modified because under Harrah's operational structure the compliance officer has no direct or routine involvement with the development or implementation of promotional activities.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (2)(F) will be changed to shift the responsibility for the conduct of promotional activities from a designated compliance officer to an

employee position acceptable to the commission that is designated by the licensee in its internal control system.

COMMENT: The commission staff commented that a typographical error appears in section (5), in that the information required for promotional coupons is contained in section (3) and not section (4).

RESPONSE AND EXPLANATION OF CHANGE: Section (5) has been modified to correct the typographical error.

11 CSR 45-5.181 Promotional Activities

(2) Class A licensees may provide promotional giveaways, issue promotional coupons or conduct promotional games or similar activities (collectively, "promotional activities") for patrons or their employees without the prior approval of the commission, provided the promotional activity is not structured or conducted in a manner that reflects negatively on the licensee, the commission, or the integrity of gaming in Missouri and complies with the following:

(F) The Class A licensee shall designate in its internal control system an employee position acceptable to the commission that shall be responsible for ensuring adherence to the rules set forth in this section.

(5) Class A licensees may use mass media to provide promotional coupon offers to prospective patrons; however, such offers may only be redeemed for a preprinted coupon that contains all of the information required for a promotional coupon in section (3) of this rule.

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 24—Drivers License Bureau Rules

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 302.721, RSMo Supp. 2004, the director adopts a rule as follows:

12 CSR 10-24.335 Commercial Drivers Licensing Third Party Examination Audit Retest Process is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 15, 2005 (30 MoReg 1741-1742). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 40—Family Support Division Chapter 2—Income Maintenance

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Family Support Division under section 207.020, RSMo 2000, the division amends a rule as follows:

13 CSR 40-2.200 Determining Eligibility for Medical Assistance is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2005 (30 MoReg 1647-1648). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This

proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 50—General**

ORDER OF RULEMAKING

By the authority vested in the commissioner of securities under section 409.6-605, RSMo Supp. 2004, the commissioner amends a rule as follows:

15 CSR 30-50.030 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2005 (30 MoReg 1742). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE
Division 700—Licensing
Chapter 1—Insurance Producers**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance under section 374.045, RSMo 2000, the director adopts a rule as follows:

20 CSR 700-1.146 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 15, 2005 (30 MoReg 1743). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held September 20, 2005, and the public comment period ended September 20, 2005. Five (5) comments were made.

COMMENT: Bryan Cox with the American Council of Life Insurers, Randy Scherr with the Life Insurance Association of Missouri, and Dallas Polen with the Kansas City Life Insurance Company requested the Department of Insurance adopt the NAIC Senior Protection in Annuity Transactions model regulation, the NAIC Annuity Disclosure model regulation, the 1998 version of the Annuities Replacement model regulation, that compliance with NASD rules act as a safe harbor, and that this proposed rule should only apply to individual products and not include group products.

RESPONSE AND EXPLANATION OF CHANGE: The department is considering the adoption of the NAIC Senior Protection in Annuity Transactions, NAIC Annuity Disclosure and the 1998 version of the Annuities Replacement model regulations. This rule reflects the professional standard found in NASD Conduct Rule 2110. It also recognizes that persuasive authority of prior NASD and SEC decisions, but does not create a “safe harbor” defense as suggested because the creation of such an affirmative defense would create confusion in what actually may be a question of law. The department believes that

the proposed rule should apply to both individual and group products, but be limited to sales to individuals. Therefore, subsections (1)(A) and (B) have been changed.

COMMENT: Gary Sanders with the National Association of Insurance and Financial Advisors requested that the Department of Insurance adopt the NAIC Senior Protection model regulation, the compliance with NASD rules act as a safe harbor, and that the proposed rule be limited to individual products and not apply to group products.

RESPONSE AND EXPLANATION OF CHANGE: See response to prior comment.

COMMENT: D.R. Haneklau indicated the need for regulation of variable annuity products.

RESPONSE: The department concurs.

20 CSR 700-1.146 Recommendations to Customers (Suitability)

(1) Grounds for the discipline or disqualification of producers shall include, in addition to other grounds specified in section 375.141, RSMo, failure to comply with or violation of the following professional standards of conduct:

(A) In recommending to an individual customer the purchase, sale or exchange of any variable life or variable annuity product, a producer shall have reasonable grounds for believing that the recommendation is suitable for such customer upon the basis of the facts, if any, disclosed by such customer as to his or her other investment holdings and as to his or her financial situation and needs.

(B) Prior to the execution of a variable life or variable annuity transaction recommended to an individual customer a producer shall make reasonable efforts to obtain information concerning—

1. The customer’s financial status;
2. The customer’s tax status;
3. The customer’s insurance and investment objectives;
4. The customer’s current and reasonably anticipated needs for liquidity; and
5. Such other information used or considered to be reasonable by such producer in making recommendations to the customer.

**Title 20—DEPARTMENT OF INSURANCE
Division 700—Licensing
Chapter 1—Insurance Producers**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance under section 374.045, RSMo 2000, the director adopts a rule as follows:

**20 CSR 700-1.147 Reasonable Supervision in Variable Life and
Variable Annuity Sales is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 15, 2005 (30 MoReg 1743–1746). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held September 20, 2005, and the public comment period ended September 20, 2005. Five (5) comments were made.

COMMENT: Bryan Cox with the American Council of Life Insurers, Randy Scherr with the Life Insurance Association of Missouri, and Dallas Polen with the Kansas City Life Insurance

Company requested the Department of Insurance adopt the NAIC Senior Protection in Annuity Transactions model regulation, the NAIC Annuity Disclosure model regulation, the 1998 version of the Annuities Replacement model regulation, and that section (1), subsection (B), paragraph 1., subparagraph A. of the proposed rule should copy NASD guidelines verbatim.

RESPONSE: The department is considering the adoption of the NAIC Senior Protection in Annuity Transactions, NAIC Annuity Disclosure and the 1998 version of the Annuities Replacement model regulations. The department believes that the current language of section (1), subsection (B), paragraph 1., subparagraph A. of this rule is preferred because it provides more protection for consumers than current NASD guidelines.

COMMENT: Gary Sanders with the National Association of Insurance and Financial Advisors requested that the Department of Insurance adopt the NAIC Senior Protection model regulation and that the proposed rule be limited to individual products and not apply to group products.

RESPONSE: See response to prior comment.

COMMENT: D.R. Haneklau indicated the need for regulation of variable annuity products.

RESPONSE: The department concurs.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 100—Division of Credit Unions**

**APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
St. Louis Community Credit Union 3651 Forest Park Ave St. Louis, MO 63108	Those who live or work in the following zip codes: 63125 and 63126

*NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, PO Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten (10) business days after publication of this notice in the **Missouri Register**.*

Construction Transient Employers

The following is a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers pursuant to Section 285.230, RSMo. This list is provided as a guideline to assist public bodies with their responsibilities under this section that states, "any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by Section 285.230 before such entity issues a building permit to the transient employer."

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
A FISCHER BUILDERS INC	814 OHIO ST	QUINCY	IL	62301
AC LEADBETTER & SON INC	110 ARCO DR	TOLEDO	OH	43615
ACADEMY ROOFING & SHEET METAL CO	6361 NE 14TH ST	DES MOINES	IA	50313
ACCEPTANCE CAPITAL MORTGAGE CORPORATION	112 N UNIVERSITY STE 200	SPOKANE	WA	99206
ACI MECHANICAL CORPORATION	3116 SOUTH DUFF AVE	AMES	IA	50010
ACI MECHANICAL INC	3116 S DUFF AVE	AMES	IA	50010
ADDISON CONSTRUCTION CO	1526 HORSE CREEK RD	CHEYENNE	WY	82009
ADECCO USA INC	175 BROAD HOLLOW RD	MELVILLE	NY	11747
ADUDELLE ROOFING & SHEET METAL INC	14220 S MERIDIAN	OKLAHOMA	OK	73173
ADVANCED PROTECTIVE COATING INC	2530 BAYARD ST	KANSAS CITY	KS	66105
ADVANTAGE PROFESSIONAL OF PHOENIX LLC	1995 WEHRLE DR	WILLIAMSVILLE	NY	14221
AEI INC	735 GLASER PKWY	AKORN	OH	44306
AERIAL SOLUTIONS INC	7074 RAMSEY FORD ROAD	TABOR CITY	NC	28463
AIDE INC	2510 WADE HAMPTON BLVD	GREENVILLE	SC	29606
AKERMAN CONSTRUCTION CO INC	2915 SH 74 SOUTH	PURCELL	OK	73080
ALLIANCE ENTERPRISES INC	5421 PENINSULA DR S E	OLYMPIA	WA	98513
ALLIANCE INTEGRATED SYSTEMS INC	1500 STUDEMONT	HOUSTON	TX	77007
ALLIED STEEL CONSTRUCTION CO LLC	2211 NW FIRST TERRACE	OKLAHOMA CITY	OK	73107
ALLSTATE SPECIALTY CONSTRUCTION INC	32700 W 255TH ST	PAOLA	KS	66071
ALVAREZ ENVIRONMENTAL LLC	4631 INVERNESS DR	POST FALLS	ID	83854
AMERICAN CIVIL CONSTRUCTORS INC	4901 S WINDERMERE ST	LITTLETON	CO	80120
AMERICAN COATINGS INC	612 W IRIS DR	NASHVILLE	TN	37204
AMERICAN DIGITAL SYSTEMS/FIBRACOM	12787 E 41ST ST	TULSA	OK	74145
AMERICAN MASONRY CO	1016 W EUCLID	PITTSBURG	KS	66762
AMERICASDOCTOR.COM COORDINATORS SERVICES INC	3315 S 23RD STR 108	TACOMA	WA	98405
ANDERSEN TRENCHING & EXCAVATING INC	17263 SUMAC RD	HONEY CREEK	IA	51542
ANTIGO CONSTRUCTION INC	2520 N CLERMONT ST	ANTIGO	WI	54409
APPLIKON INC	1165 CHESS DR STE G	FOSTER CITY	CA	94404
ARCHITECTURAL GLAZING PROFESSIONALS	11655 CLARE RD	OLATHE	KS	66061
ARGUSS COMMUNICATIONS GROUP INC	DOVER RD	EPSOM	NH	03234
ARKANSAS CONTRACTORS	1308 CHURCH	BARLING	AR	72952
ARNOLD & MADSON INC	1995 CENTURY AVE SO	WOODBURY	MN	55125
ARR ROOFING LLC	8909 WASHINGTON ST	OMAHA	NE	68127

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
ARROWHEAD SERVICES INC	12920 METCALF STE 150	OVERLAND PARK	KS	66213
ASBESTOS REMOVAL COMPANY	6361 NE 14TH STREET	DES MOINES	IA	50313
ASPHALT STONE COMPANY	520 N WEBSTER	JACKSONVILLE	IL	62650
ATLAS INDUSTRIAL HOLDINGS LLC	5275 SINCLAIR RD	COLUMBUS	OH	43229
AUGERS UNLIMITED INC	11933 KAW DRIVE	KANSAS CITY	KS	66111
AUREUS RADIOLOGY LLC	11825 Q ST	OMAHA	NE	68137
AUTRY CONSTRUCTION INC	140 E 3RD	BAXTER SPRINGS	KS	66713
B & B CONTRACTORS INC	13745 SEMINOLE DR	CHINO	CA	91710
B & B PERMASTORE INC	6750 W 75TH STE 1A	OVERLAND PARK	KS	66204
B & D ELECTRIC INC	P O BOX 43	STAMPS	AR	71860
B & K MANAGEMENT INC	545 J ST	LINCOLN	NE	68508
BALL CONSTRUCTION INC	13922 WEST 108TH ST	LENEXA	KS	66215
BARNESCO INC	2002 CEDAR CREST	ARKANSAS CITY	KS	67005
BARROWS EXCAVATION INC	49 COUNTY RD #404	BERRYVILLE	AR	72616
BARTLETT NUCLEAR INC	60 INDUSTRIAL PARK RD	PLYMOUTH	MA	02360
BAZIN EXCAVATING INC	20160 W 191ST	SPRINGHILL	KS	66083
BE & K ENGINEERING COMPANY	2000 INTERNATIONAL PK DR	BIRMINGHAM	AL	35243
BEL CLAIR ELECTRIC INC	912 S BELT W	BELLEVILLE	IL	62220
BENCHMARK INC	6065 HUNTINGTON CT NE	CEDAR RAPIDS	IA	52402
BEW CONSTRUCTION CO INC	1319 MAIN ST	WOODWARD	OK	73801
BILL DAVIS ROOFING LC	628 VERMONT	LAWRENCE	KS	66044
BISON ELECTRIC INC	12037 E PINE ST	TULSA	OK	74116
BIVOUAC ENGINEERING & SERVICE CO LLC	588 MEADOW LANE	MARION	OH	43302
BJ ERECTION CORPORATION	16626 MILES AVE	CLEVELAND	OH	44128
BLAHNIK CONSTRUCTION CO	150 50TH AVE DR SW	CEDAR RAPIDS	IA	52404
BLAZE MECHANICAL INC	15755 S 169 HWY STE E	OLATHE	KS	66062
BLICKS CONSTRUCTION CO INC	LOCK & DAM RD	QUINCY	IL	62301
BONNEVILLE CONSTRUCTION CO INC	5005 E CAREY AVE	LAS VEGAS	NV	89115
BRADEN CONSTRUCTION SERVICES INC	5110 N MINGO RD	TULSA	OK	74117
BRB CONTRACTORS INC	400 W CURTIS	TOPEKA	KS	66608
BRINK ELECTRIC CONSTRUCTION CO	2950 N PLAZA DR	RAPID CITY	SD	57702
BROWNING WELDING SERVICE INC	163 SHAW BRIDGE ROAD	GREENBRIER	AR	72058
BRUCE TRUCKING AND EXCAVATING INC	4401 HWY 162	GRANITE CITY	IL	62040
BRYAN POWELL DRYWALL INC	4330 PARKER LN	TEXARKANA	AR	71854
BUILDINGS INC	235 SOUTH 40TH	SPRINGDALE	AR	72765
BUILT WELL CONSTRUCTION CO	MAIN ST HWY 279 S	HIWASSE	AR	72739
C & C CONTRACTING INC	222 SOUTH SECOND ST	ORLEANS	IN	47452
C IBER & SONS INC	3212 N MAIN	EAST PEORIA	IL	61611
CARNEY DEMOLITION	303 S HALSTED	CHICAGO	IL	60661
CARTER MOORE INC	1865 E MAIN ST STE F	DUNCAN	SC	29334
CAS CONSTRUCTION INC	501 NE BURGESS	TOPEKA	KS	66608
CASHATT & SONS CORP	BOX 74	RED OAK	IA	51566

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
CASYSTEMS INTERNATIONAL INC	8300 COLESVILLE RD 700	SILVER SPRING	MD	20910
CBS CONSTRUCTORS	204 E 1ST	MCCOOK	NE	69001
CCC GROUP INC	5797 DIETRICH RD	SAN ANTONIO	TX	78219
CD SMITH CONSTRUCTION INC	889 EAST JOHNSON ST	FOND DU LAC	WI	54935
CDK SKANSKA INC	800 S HUTTON RD	FARMINGTON	NM	87401
CELLXION WIRELESS SERVICES LLC	5031 HAZEL JONES RD	BOSSIER CITY	LA	71111
CENTRAL FOUNDATION INC	915 MARION RD S	CENTRAL CITY	IA	52214
CENTRAL ILLINOIS TILE CO	3302 N MATTIS AVE	CHAMPAIGN	IL	61821
CENTRAL STATES CONTRACTING SERVICES	610 S 78TH ST	KANSAS CITY	KS	66111
CENTRAL STATES ENVIRONMENTAL SERVIC	609 AIRPORT ROAD	CENTRALIA	IL	62801
CENTURY BUILDERS INC	11250 CHARLES RD	HOUSTON	TX	77041
CENTURY MECHANICAL CONTRACTORS INC	15480 S 169 HWY	OLATHE	KS	66051
CHAMPION EXPOSITION SERVICES	139 CAMPANELLI DRIVE	MIDDLEBORO	MA	02346
CHANCE CONSTRUCTION CO	ITALY & BARBER ST	HEMPHILL	TX	75948
CHESTER PHILLIPS CONSTRUCTION COMPANY	1501 N UNIVERSITY STE 740	LITTLE ROCK	AR	72207
CHRIS GEORGE HOMES INC	2111 E SANTA FE #112	OLATHE	KS	66062
CHRISTIE DIGITAL SYSTEMS USA INC	10550 CAMDEN DRIVE	CYPRESS	CA	90630
CLIFFORD LEE & ASSOCIATES	292 MELVIN HARRIS RD	MANCHESTER	GA	31816
COAST TO COAST BUILDERS INC	750 E FUNSTON	WICHITA	KS	67211
COASTAL GUNITE CONSTRUCTION CO	16 WASHINGTON ST	CAMBRIDGE	MD	21613
COLE RAYWID & BRAVERMAN LLP	1919 PENNSYLVANIA AVE NW	WASHINGTON	DC	20006
COLLECTOR WELLS INTERNATIONAL INC	6360 HUNTLEY RD	COLUMBUS	OH	43229
COMMERCIAL CONTRACTING CO OF SAN AN	5797 DIETRICH RD	SAN ANTONIO	TX	78219
COMMERCIAL CONTRACTORS INC	729 LINCOLN AVE	HOLLAND	MI	49423
COMO TECH INSPECTIONS INC	40 DEEP CREEK RD	MANHATTAN	KS	66502
CONLEY SPRINKLER INC	822 MAIN	PLEASANTON	KS	66075
CONSTRUCTION MANAGEMENT INC	108 JACKMAN ST	GEORGETOWN	MA	01833
CONSTRUCTORS INC	P O BOX 46417	BATON ROUGE	LA	70895
CONTRACT DEWATERING SERVICES INC	5820 W RIVERSIDE DR	SARANAC	MI	48881
CONTROL INSTALLATIONS OF IOWA INC	6200 THORNTON AVE STE 190	DES MOINES	IA	50321
COOPERS STEEL FABRICATORS	503 N HILLCREST DR	SHELBYVILLE	TN	37162
CORNERSTONE COMMERCIAL CONTRACTORS	1260 JERICO	CORNING	IA	50841
CORONA POWER SERVICES INC	5220 MINOLA DR	LITHONIA	GA	30038
CORONADO INC	1835 WALL ST	SALINA	KS	67401
COST OF WISCONSIN INC	4201 HWY P	JACKSON	WI	53037
COWARTS CONSTRUCTION COMPANY INC	223 AIRPORT RD	SALEM	AR	72576
CRANE CONSTRUCTION COMPANY LLC	343 WAINWRIGHT DR	NORTHBROOK	IL	60062
CREEK ELECTRIC INC	2811 W PAWNEE ST	WICHITA	KS	67213
CRONISTER & COMPANY INC	FORBES FIELD BL 281 UNT E	TOPEKA	KS	66619
CROWN CORR INC	7100 W 21ST AVE	GARY	IN	46406
CUST O FAB FIELD SERVICE LLC	1900 N 161ST E AVE	TULSA	OK	74116
CUSTOMER CARE SOLUTIONS	1 IRVINGTON CTR 700 KING	ROCKVILLE	MD	20850

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CUTTING EDGE EXCAVATING & TRUCKING INC	PO BOX 597	LOUISBURG	KS	66053
D & D PIPELINE CONSTRUCTION CO INC	4700 W HWY 117	SAPULPA	OK	74066
DALRYMPLE & CO	3675 S NOLAND RD STE 102	INDEPENDENCE	MO	64055
DANNYS CONSTRUCTION CO INCORPORATED	1066 WEST THIRD AVENUE	SHAKOPEE	MN	55379
DAVE OSBORNE CONSTRUCTION CONTRACTI	15600 28TH AVE N	PLYMOUTH	MN	55447
DAVID A NICE BUILDERS INC	4571 WARE CREEK ROAD	WILLIAMSBURG	VA	23188
DAVIS ELECTRICAL CONSTRUCTORS INC	429 N MAIN ST	GREENVILLE	SC	29602
DCG PETERSON BROTHERS COMPANY	5005 S HWY 71	SIOUX RAPIDS	IA	50585
DDD COMPANY	8000 CORPORATE DR STE 100	LANDOVER	MD	20785
DELCO ELECTRIC INC	7615 N CLASSEN BLVD	OKLAHOMA CITY	OK	73116
DELPHI AUTOMOTIVE SYSTEMS HUMAN RESOURCES LLC	P O BOX 62410	PHOENIX	AZ	85082
DIAMOND CONSTRUCTION COMPANY	2000 N 18TH ST	QUINCY	IL	62301
DIMENSIONAL TECHNOLOGY INC	6717 LINDEN LN	HUNTLEY	IL	60142
DIVINE INC	2310 REFUGEE RD	COLUMBUS	OH	43207
DL SMITH ELECTRICAL CONSTRUCTION INC	1405 SW 41ST ST	TOPEKA	KS	66609
DOBSON DAVIS COMPANY	8521 RICHARDS RD	LENEXA	KS	66215
DOME CORPORATION OF NORTH AMERICA	5450 EAST ST	SAGINAW	MI	48601
DON BELL HOMES INC	11599 N RIDGEVIEW	OLATHE	KS	66061
DONALD E MCNABB COMPANY INC	31250 S MILFORD RD	MILFORD	MI	48381
DOUBLE O MASONRY INC	722 S 260TH ST	PITTSBURG	KS	66762
DUSTROL INC	GEN DEL	EL DORADO	KS	67042
DW PROEHL CONSTRUCTION INC	818 N HELEN AVE	SIOUX FALLS	SD	57104
E80 PLUS CONSTRUCTORS LLC	600 BASSETT ST	DEFOREST	WI	53532
ECONOMY ELECTRICAL CONTRACTORS	101 CENTURY 21 DR #204	JACKSONVILLE	FL	32216
EDWARD KRAEMER & SONS INC	ONE PLAINVIEW RD	PLAIN	WI	53577
ELECTRICAL LINE SERVICES INC	14200 S TULSA DR	OKLAHOMA CITY	OK	73170
ELLIOTT ELECTRICAL INC	P O BOX 1039	BENTON	AR	72015
EMCO CHEMICAL DISTRIBUTORS INC	2100 COMMONWEALTH AVE	NORTH CHICAGO	IL	60064
EMPLOYEE RESOURCE ADMINISTRATION LP	10501 N CENTRAL EXPY #101	DALLAS	TX	75231
ENERGY DELIVERY SERVICES INC	3909 W FIFTH ST	CHEYENNE	WY	82003
ENERGY SYSTEMS GROUP LLC	4655 ROSEBUD LANE	NEWBURGH	IN	47630
EQUUS METALS	1415 S JOPLIN AVE	TULSA	OK	74112
ERVIN CABLE CONSTRUCTION INC	260 N LINCOLN BLVD E	SHAWNEETOWN	IL	62984
EVCO NATIONAL INC	339 OLD ST LOUIS RD	WOOD RIVER	IL	62095
EXXEL PACIFIC INC	323A TELEGRAPH RD	BELLINGHAM	WA	98226
FABCON INCORPORATED	6111 WEST HIGHWAY 13	SAVAGE	MN	55378
FABCON LLC	3400 JACKSON PIKE	GROVE CITY	OH	43123
FALCON ELECTRIC INC	100 NORTH FIRST ST	CLARKSBURG	WV	26301
FARABEE MECHANICAL INC	P O BOX 1748	HICKMAN	NE	68372
FAYETTEVILLE PLUMBING & HEATING CO INC	P O BOX 1061	FAYETTEVILLE	AR	72702
FEDERAL FIRE PROTECTION INC	805 SECRETARY DR STE A	ARLINGTON	TX	76015

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FJW GROUP INC	905 W MITCHELL	ARLINGTON	TX	76013
FOLTZ CONSTRUCTION INC	BOX 38	PATOKA	IL	62875
FOLTZ WELDING PIPELINE MAINTENANCE	501 E CLINTON AVE	PATOKA	IL	62875
FORD CONTRACTING CORP	1307 E COURT ST	DYERSBURG	TN	38024
FOUNDATION FENCE INC	320 SOUTHLAND RD	BURNET	TX	78611
FREESSEN INC	316 S PEARL	BLUFFS	IL	62621
GALACTIC TECHNOLOGIES INC	400 N LOOP 1604 E STE 210	SAN ANTONIO	TX	78232
GAMMA CONSTRUCTION COMPANY	2808 JOANEL	HOUSTON	TX	77027
GARY SANDERS MASONRY	109 AVE F	WEST POINT	IA	52656
GEISSLER ROOFING CO INC	612 S 3RD ST	BELLEVILLE	IL	62220
GENE FRITZEL CONSTRUCTION COMPANY I	643 MASSACHUSETTS STE 300	LAWRENCE	KS	66044
GENE FRITZEL CONSTRUCTION SERVICES	628 VERMONT	LAWRENCE	KS	66044
GEOPIER FOUNDATION CO MIDWEST	6336 HICKMAN STE 203	DES MOINES	IA	50322
GFV CONSTRUCTION CO	4535 MEADOWVIEW DR	LAKELAND	FL	33810
GLEESON CONSTRUCTORS INC	2015 E 7TH ST	SIOUX CITY	IA	51105
GLENN H JOHNSON CONSTRUCTION CO	2521 GROSS POINT RD	EVANSTON	IL	60201
GOERLICH ROOFING INC	4400 HARRISON	QUINCY	IL	62301
GORDONS ENHANCED TECHNOLOGY MARKETING INC	4500 RATLIFF LN #108	ADDISON	TX	75001
GRABER AGRI-BUILDERS INC	CO RD 450 E BOX 436A	MONTGOMERY	IN	47558
GRAHAM CONSTRUCTION COMPANY	500 LOCUST ST	DES MOINES	IA	50309
GRAZZINI BROS COMPANY	620 16TH AVE S	MINNEAPOLIS	MN	55454
GUS CONST CO INC	606 ANTIQUE COUNTRY DR	CASEY	IA	50048
H & H SYSTEMS & DESIGN INC	130 EAST MAIN ST	NEW ALBANY	IN	47150
H & M CONSTRUCTION CO INC	50 SECURITY DR	JACKSON	TN	38305
HARBERT YEARGIN INC	105 EDINBURGH CR	GREENVILLE	SC	29607
HARDAWAY CONSTRUCTION CORP OF TENNE	615 MAIN STREET	NASHVILLE	TN	37206
HARMAN & SON CONSTRUCTION INC	1810 B EIGHTH AVE	FORT WORTH	TX	76110
HARNESS ROOFING INC	P O BOX 1382	HARRISON	AR	72601
HART PAINTING	2555 SW 50	OKLAHOMA CITY	OK	73119
HC BECK LTD	1820 MARKET ST FL 3	ST LOUIS	MO	63103
HEALTHLINE INC	2600 N CENTRAL AVE #1700	PHOENIX	AZ	85004
HEBER E COSTELLO INC	609 COSTELLO ROAD	OAK GROVE	LA	71263
HEIDELBERG ENGINEERING INC	1499 POINSETTIA AVE #160	VISTA	CA	92081
HENDERSON ENGINEERS INC	8325 LENEXA DR STE 400	LENEXA	KS	66214
HERITAGE HOUSING DEVELOPMENT INC	16133 VENTURA BLVD #965	ENCINO	CA	91436
HERMAN STEWART CONSTRUCTION & DEVEL	4550 FORBES BLVD	LANHAM	MD	20706
HINRICHS GROUP INC THE	141 MARKET PL DR STE 105	FAIRVIEW HEIGHTS	IL	62208
HOFFMANN INC	6001 49TH ST S	MUSCATINE	IA	52761
HOGUE HORN & PASHMAN INC	922 MISSOURI	LAWRENCE	KS	66044
HOLIAN ASBSTS RMVL & ENCPSTN CORP	7504 MEYER RD	SPRING GROVE	IL	60081
HOOPER CORPORATION	P O BOX 7455	MADISON	WI	53707

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HORIZON GENERAL CONTRACTORS INC	7315 W ELIZABETH LN	FT WORTH	TX	76116
HORIZON GROUP INC	1325 N E BOND ST	PEORIA	IL	61603
HORIZONTAL BORING & TUNNELING CO	505 S RIVER AVE	EXETER	NE	68351
HOSPITALITY BUILDERS INC	PO BOX 1565	ABERDEEN	SD	57402
HUFF SEALING CORPORATION	HWY 15E	ALBION	IL	62806
HUTTON CONTRACTING CO INC	HWY 50	LINN	MO	65051
HUXTABLE KC SERVICE INC	16210 W 108TH	LENEXA	KS	66219
HY VEE WEITZ CONSTRUCTION LC	1501 50TH ST BLDG 1 #325	WEST DES MOINES	IA	50266
I & I CONSTRUCTION INC	21050 N BRADY ST STE A	DAVENPORT	IA	52804
IBERVILLE INSULATIONS INC	11637 SUN BELT CT	BATON ROUGE	LA	70809
ILLINI MECHANICAL INC	1024 LOWRY	PITTSFIELD	IL	62363
INDUSTRIAL MAINTENANCE CONTRACTORS INC	2301 GARDEN CITY HWY	MIDLAND	TX	79701
INDUSTRIAL POWER & PROCESS CORP	P O BOX 38995	GREENSBORO	NC	27438
INDUSTRIAL PROCESS TECHNOLOGY INC	2213 7TH AVE N	FARGO	ND	58108
INDUSTRY SERVICES CO INC	5550 TODD ACRES DR	MOBILE	AL	36619
INSTITUTE OF NUCLEAR POWER OPERATIONS	700 GALLERIA PKWY	ATLANTA	GA	30339
INTEC SERVICES INC	454 LINK LN	FT COLLINS	CO	80522
INTERSTATES CONSTRUCTION SERVICES INCORPORATED	1520 INDUSTRIAL PARK	SIOUX CENTER	IA	51250
INTL BROTHERHOOD OF ELECTRICAL WORK	106 N MONROE ST	WEST FRANKFORT	IL	62896
IRBY CONSTRUCTION CO	817 S STATE ST	JACKSON	MS	39201
IVEY MECHANICAL CO A PARTNERSHIP	514 NORTH WELLS ST	KUSCIUSKO	MS	39090
IVF LABS LLC	2712 E SWASONT WAY	SALT LAKE CITY	UT	84117
J & J CONSTRUCTION & SUPPLY INC	1135 W KANSAS	MCPHERSON	KS	67460
J & J MAINTENANCE INC	3755 CAPITAL OF TX HWY S	AUSTIN	TX	78704
JA FIELDEN CO INC	530 W FIFTH AVE	KNOXVILLE	TN	37917
JD FRANKS INC	1602 S BELTINE ROAD	DALLAS	TX	75253
JEN MECHANICAL INC	803 HOPP HOLLOW DR	ALTON	IL	62002
JESCO INC	2020 MCCULLOUGH BLVD	TUPELO	MS	38801
JF BRENNAN CO INC	820 BAINBRIDGE ST	LA CROSSE	WI	54603
JM MECHANICAL LLC	3685 NORTH HWY 91	HYDE PARK	UT	84318
JOHANSEN DRAINAGE & TILE	RT 1 BOX 152	RULO	NE	68431
JOHN A PAPALAS & CO	1187 EMPIRE	LINCOLN PARK	MI	48146
JOHN E GREEN COMPANY	220 VICTOR AVE	HIGHLAND PARK	MI	48203
JOHN T JONES CONSTRUCTION CO	2213 7TH AVE NORTH	FARGO	ND	58108
JOHNSON INDUSTRIAL SERVICES INC	200 BENTLEY CIR	SHELBY	AL	35143
JOLLEY CONSTRUCTION COMPANY	6148 LEE HWY STE 200	CHATTANOOGA	TN	37421
JOMAX CONSTRUCTION COMPANY INC	S 281 HWY	GREAT BEND	KS	67530
JONES HYDROBLAST INC	P O BOX 309	ROYALTON	IL	62983
JULIAN CONSTRUCTION COMPANY	15521 W 110TH ST	LENEXA	KS	66219
KANSAS BUILDING SYSTEMS INC	1701 SW 41ST	TOPEKA	KS	66609
KASBOHM CUSTOM DRILLING INC	11404 OAKTON RD	SAVANNA	IL	61074

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KEARNEY & SON CONSTRUCTION INC	2500 NORTH 7TH ST	LAWRENCE	KS	66044
KEARNEY ELECTRIC INC	3609 E SUPERIOR AVE	PHOENIX	AZ	85040
KEELEY & SONS INC	5 LOISEL VILLAGE SHOP CTR	EAST ST LOUIS	IL	62203
KEITH AUSTIN	3001 WEDINGTON DR #106	FAYETTEVILLE	AR	72701
KELLEY DEWATERING & CONSTRUCTION CO	5175 CLAY AVENUE SW	WYOMING	MI	49548
KEOKUK CONTRACTORS INC	853 JOHNSON ST RD	KEOKUK	IA	52632
KESSLER CONSTRUCTION INC	13402 W 92ND ST	LENEXA	KS	66215
KG MOATS & SONS	9515 US HWY 63	EMMETT	KS	66422
KGL ASSOCIATES INC	759 ADAMS ST	DENVER	CO	80206
KILIAN CORPORATION THE	608 S INDEPENDENCE	MASCOUTAH	IL	62258
KINLEY CONSTRUCTION COMPANY	201 N UNION ST BNK RM 502	OLEAN	NY	14760
KINLEY CONSTRUCTION GROUP LP	4025 WOODLAND PK BLVD 410	ARLINGTON	TX	76013
KLINE CONSTRUCTION CORPORATION	9385 HAMILTON DR	MENTOR	OH	44060
KNICKERBOCKER CONSTRUCTION INC	4823 LAKEWOOD DR	NORWALK	IA	50211
KOSS CONSTRUCTION CO	4090 WESTOWN PKWY STE B	W DES MOINES	IA	50266
KUHLMAN REFRIGERATION INC	N56W16865 RIDGEWOOD 100	MENOMONEE FALLS	WI	53051
KURISU INTERNATIONAL INC	11125 SW BARBUR BL	PORTLAND	OR	97219
L & L INSULATION & SUPPLY CO	3305 SE DELAWARE AVE	ANKENY	IA	50021
L LYON DISTRIBUTING INC	5555 ST LOUIS MILLS BLVD	HAZELWOOD (X2)	MO	63042
LAKEVIEW CONSTRUCTION OF WISCONSIN	10505 CORPORATE DR #200	PLEASANT PRAIRI	WI	53158
LARRY COX CONSTRUCTION	50 FORT COX RD	HEBER SPRINGS	AR	72543
LAW CO INC	345 RIVERVIEW ST	WICHITA	KS	67203
LEMAR CONSTRUCTION	2829 BRADY ST	DAVENPORT	IA	52803
LH SOWLES CO	2813 BRYANT AVE S	MINNEAPOLIS	MN	55408
LIMBAUGH CONSTRUCTION CO INC	4186 HWY 162	GRANITE CITY	IL	62040
LIN R ROGERS ELECTRICAL CONTRACTORS	2050 MARCONI DR STE 200	ALPHARETTA	GA	30005
LINAWEAVER CONSTRUCTION INC	719 GILMAN RD	LANSING	KS	66043
LITTON ENTERPRISES INC	600 HALFWAY RD	MARION	IL	62959
LONGAN CONSTRUCTION COMPANY	1635 US HWY 59 N	GROVE	OK	74344
LPR CONSTRUCTION CO	1171 DES MOINES AVE	LOVELAND	CO	80537
LUNDA CONSTRUCTION CO	620 GEBHARDT RD	BLACK RIVER FAL	WI	54615
MAGUIRE IRON INC	300 W WALNUT BOX 1446	SIOUX FALLS	SD	57101
MANSION AMERICA LLC	100 NORTH PINE STREET	PITTSBURGH	KS	66762
MARRS ELECTRIC INC OF ARKANSAS	701 KAWNEER DR	SPRINGDALE	AR	72764
MCBRIDE ELECTRIC INC	3215 E 9TH N	WICHITA	KS	67208
MCCARTIN MECHANICAL CONTRACTOR INC	2999 PARKWAY DR	DECATUR	IL	62526
MCKITTRICK CONSTRUCTION	13283 BLUEJACKET	OVERLAND PARK	KS	66225
MCMASTER CONSTRUCTION INC	138 NE 46TH	OKLAHOMA CITY	OK	73105
MCPHERSON WRECKING INC	2333 BARTON RD	GRANTVILLE	KS	66429
MDS BUILDERS INC	5455 N FEDERAL HWY	BOCA RATON	FL	33487
MEADOWS CONSTRUCTION CO INC	1014 FRONT ST	TONGANOXIE	KS	66086
METROPOLITAN PAVEMENT SPECIALISTS LLC	14012 GILES RD	OMAHA	NE	68138

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MEYERS TURF FARMS INC	19055 METCALF	STILWELL	KS	66085
MICHAEL CONSTRUCTION CO INC	SECONDARY RT 79 BOX 143	DRY BRANCH	WV	25061
MICRO PAVERS INC	127 FAUBER RD	E PEORIA	IL	61611
MID AMERICA ROOFING CONSTRUCTION &	1035 N 69 HWY	FRONTENAC	KS	66763
MID STATES ELECTRIC CO INC	P O BOX 156	S SIOUX CITY	NE	68776
MIDWEST CONSTRUCTION SYSTEMS INC	100 MAIN ST STE 504	LITTLE ROCK	AR	72201
MIDWEST PUMP & EQUIPMENT CO	2300 S 7TH ST	LINCOLN	NE	68502
MILENDER WHITE CONSTRUCTION CO	1503 BIG PINEY RD # 1018	FORT LEONARD WOOD	MO	65473
MILLENNIUM BROKERAGE GROUP	611 COMMERCE ST S-2606	NASHVILLE	TN	37203
MILLER INSULATION CO INC	US HWY 65 & MO HWY 127	MALTA BEND	MO	65339
MILLER THE DRILLER	5125 E UNIVERSITY	DES MOINES	IA	50317
MILLERS PRO CUT	6410 W 72ND TERR	OVERLAND PARK	KS	66204
MILLS ELECTRICAL CONTRACTORS	2535 WALNUT HILL LN	DALLAS	TX	75229
MISSION TO THE AMERICAS	2530 WASHINGTON ST	DENVER	CO	80205
MJM SERVICES INC	207 N 48TH ST	BELLEVILLE	IL	62223
MORRISSEY CONTRACTING CO	705 SOUTHMOOR PL	GODFREY	IL	62035
MOUNTAIN MECHANICAL CONTRACTORS INC	903 S SCHOOL	FAYETTEVILLE	AR	72701
MOWERY BACKHOE & TRENCHER SERVICE	25374 TONGANOXIE RD	LEAVENWORTH	KS	66048
MULANAX ELECTRIC INC	404 W DORCUS ST	ROLAND	OK	74954
MULTIMAX INC	1441 MCCORMICK DR	LARGO	MD	20774
MURPHY & SONS ROOFING	1010 NORTH 54TH ST	KANSAS CITY	KS	66102
MUSE EXCAVATION & CONSTRUCTION CO	504 S 8TH ST	ELWOOD	KS	66024
NATIONAL ABATEMENT CORPORATION	3080 N CENTER RD	FLINT	MI	48519
NATIONAL CONSTRUCTION SERVICES INC	520 LANCASTER AVE	FRAZER	PA	19355
NEBRASKA MIDWEST CONSTRUCTION COMPA	406 N 22ND ST	NEBRASKA CITY	NE	68410
NELSON INDUSTRIAL SERVICES INC	6021 MELROSE LN	OKLAHOMA CITY	OK	73127
NES TRAFFIC SAFETY LP	8770 W BRYN MAWR 4TH FLR	CHICAGO	IL	60631
NEW DIMENSION INC	631 E BIG BEAVER #109	TROY	MI	48083
NHC CONSTRUCTION LLC	5960 DEARBORN STE 15	MISSION	KS	66202
NO FAULT INDUSTRIES INC	15556 PERKINS RD	BATON ROUGE	LA	70810
NORTH COAST 88 INC	170 EAST MAIN ST	NORWALK	OH	44857
NORTH MISSISSIPPI CONVEYOR COMPANY INC	HWY 7S LAFAYETTE CO RD370	OXFORD	MS	38655
NORTHLAND CONTRACTING INC	HIGHWAY 2 EAST	SHEVLIN	MN	56676
NORTHWEST ENERGY SYSTEMS INC	315 S GREGG ST	FAYETTEVILLE	AR	72701
NOVON CONSULTING CORP	10 SOUTH 5TH ST STE 835	MINNEAPOLIS	MN	55402
NUTRIJECT SYSTEMS INC	515 5TH ST	HUDSON	IA	50643
ODONNELL & SONS CONSTRUCTION CO INC	15301 BROADMOOR ST	OVERLAND PARK	KS	66223
OFALLON ELECTRIC COMPANY	P O BOX 488	OFALLON	IL	62269
PAIGE TECHNOLOGIES LLC	5305 PIN OAK LAND	SEDALIA	MO	65301
PCL CONSTRUCTION SERVICES INC	2000 S COLORADO BLVD 2500	DENVER	CO	80222
PETERSON CONSTRUCTION	1929 W 2ND ST	WEBSTER CITY	IA	50595
PETERSON CONTRACTORS INC	104 BLACKHAWK ST	REINBECK	IA	50669

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
PETTUS PLUMBING & PIPING INC	P O BOX 3237	MUSCLE SHOALS	AL	35662
PHARMANET INC	504 CARNEGIE CENTER	PRINCETON	NJ	08540
PHILLIPS & JORDAN INC	6621 WILBANKS RD	KNOXVILLE	TN	37912
PINNACLE CONSTRUCTION INC	203 N CHESTNUT ST	GLENWOOD	IA	51534
PIONEER GROUP INC	8600 JUNIPER LANE	PRAIRIE VILLAGE	KS	66207
PITTSBURG TANK & TOWER CO INC	515 PENNEL ST	HENDERSON	KY	42420
FLOWMAN CONSTRUCTION COMPANY INC	905 E PARK ST	OLATHE	KS	66061
PLUM RHINO CONSULTING LLC	1010 HUNTCLIFF STE 1350	ATLANTA	GA	30350
POWER OHMES CONSTRUCTION INC	33445 W 87TH CIRCLE	DE SOTO	KS	66018
PRECAST ERECTORS INC	3500 VALLEY VISTA DR	HURST	TX	76053
PRIMARY RESIDENTIAL MORTGAGE INC	829 E CAVENDISH CIRCLE	SANDY	UT	84094
PROGRESSIVE CONTRACTORS INC	14123 42ND ST NE	ST MICHAEL	MN	55376
PULTE HOMES OF GREATER KANSAS CITY	8700 STATE LINE RD #309	LEAWOOD	KS	66206
PULTE PAYROLL CORPORATION	100 BLOOMFIELD HILLS #300	BLOOMFIELD HILLS	MI	48034
PYRAMID CONTRACTORS INC	891 W IRONWOOD RD	OLATHE	KS	66061
PYRAMID ELECTRICAL CONTRACTORS INC	300 MONTICELLO PLACE	FAIRVIEW HEIGHTS	IL	62208
QUALITY AWNING & CONSTRUCTION CO	7937 SCHAEFER RD	DEARBORN	MI	48126
QUALITY TRANSPORTATION SERVICES INC	5220 S CAMERON ST	LAS VEGAS	NV	89118
QUOVADIX INC	6400 S FIDDLERS GREEN CIR	ENGLEWOOD	CO	80111
R & R ELECTRIC INC	HWY 75 N PO BOX 181	BRECKENRIDGE	MN	56520
R IZOKAITIS CONSTRUCTION INC	14817 GRANT ST	OMAHA	NE	68116
R MESSNER CONSTRUCTION CO INC	3595 N WEBB RD #500	WICHITA	KS	67226
RADIOLOGY STAFFING INC	13705 B ST	OMAHA	NE	68144
RCS CONSTRUCTION INC	197 OLD ST LOUIS RD	WOOD RIVER	IL	62095
RDC MANUFACTURING INC	200 LUKKEN INDUSTRIAL DR	LA GRANGE	GA	30240
REASONS CONSTRUCTION COMPANY INC	3825 EAST END DR	HUMBOLDT	TN	38343
REDNOUR STEEL ERECTORS INC	HWY 150	CUTLER	IL	62238
RENIER CONSTRUCTION CORPORATION	2164 CITY GATE DRIVE	COLUMBUS	OH	43219
RESERV CONSTRUCTION CO INC	7101 SHARONDALE CT #200	BRENTWOOD	TN	37027
RETAIL PLANNING & CONSTRUCTION INC	735 BIRCH AVE	BENSALEM	PA	19020
RETAIL STOREFRONT GROUP INC	419 MIAMI AVE	LEEDS	AL	35094
RFB CONSTRUCTION CO INC	565 E 520TH AVE	PITTSBURGH	KS	66762
RJ PITCHER INC	4575 BUCKLEY RD	LIVERPOOL	NY	13088
RMP INC	1120 W 247TH	BUCYRUS	KS	66013
ROBERT W BRITZ PAINTING COMPANY INC	14272 FRAZEE RD	DIVERNON	IL	62530
ROGERS PREMIER UNLOADING SERVICES	3801 SUNSET AVE	ROCKY MOUNT	NC	27804
ROSE LAN CONTRACTORS INC	820 CHEYENNE AVE	KANSAS CITY	KS	66105
ROYAL ELECTRIC CONSTRUCTION INC	7905 MONTICELLO RD	SHAWNEE MISSION	KS	66203
RUPP MASONRY CONSTRUCTION CO	1501 N 18TH STREET	QUINCY	IL	62301
RUSSELL CONSTRUCTION CO	3032 A NORTH FRAZIER ST	CONROE	TX	77303
RUSSIAN CONCRETE CONSTRUCTION	1133 S 205TH	PITTSBURG	KS	66762
RYAN FLOORS INC	305 CARL STREET	ROCKVILLE	MD	20851

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
S A COMUNALE CO INC	2900 NEWPARK DR	BARBERTON	OH	44203
SA SMITH ELECTRIC INC	525 JERSEY ST	QUINCY	IL	62301
SAGEZ CONSTRUCTION INC	HC61 BOX 17	HARDIN	IL	62047
SCHUMACHER ELEVATOR COMPANY	ONE SCHUMAKER WAY	DENVER	IA	50622
SCI GENERAL CONTRACTORS INC	4530 BARKSDALE BLVD STE C	BOSSIER CITY	LA	71112
SELECTEK INC	1000 MANSELL EXC WEST 340	ALPHARETTA	GA	30022
SERRAULT SERVICES OF KANSAS INC	7625 LAKESIDE AVE	MANHATTEN	KS	66502
SERVICEMASTER DESIGN BUILD LLC	8615 FREEPORT PKWY 5-100	IRVING	TX	75063
SGT LTD I	3407 TORREY RD	FLINT	MI	48507
SHAWNEE MISSION TREE SERVICE INC	8250 COLE PKWY	SHAWNEE MSN	KS	66227
SHILOH STEEL FABRICATORS INC	200 EAST HWY 264	SPRINGDALE	AR	72764
SKYLIGHT MANUFACTURING INC	1208 ALDINE MAIL RD	HOUSTON	TX	77039
SOONER BUILDERS & INVESTMENTS INC	26005 E ADMIRAL	CATOOSA	OK	74015
SOUTHEAST DIRECTIONAL DRILLING LLC	2323 S HARDY DRIVE	TEMPE	AZ	85282
SPARKS & WIEWEL CONSTRUCTION CO	6200 BROADWAY	QUINCY	IL	62301
SPARROW PLUMBING & HEATING INC	313 DELAWARE	QUINCY	IL	62301
SPARTAN CONSTRUCTORS LLC	2100 DRAYTON RD	DRAYTON	SC	29333
SPINIELLO LIMITED INC	35 AIRPORT RD	MORRISTOWN	NJ	07962
STORY ENTERPRISES INC	7735 WASHINGTON AVE STE G	KANSAS CITY	KS	66112
STRINGER CONSTRUCTION COMPANY INC	6141 LUCILE AVE	SHAWNEE	KS	66203
STUEVE CONSTRUCTION COMPANY	2201 E OAK ST	ALGONA	IA	50511
SUNCON INC	#2 TERMINAL DR STE 17A	EAST ALTON	IL	62002
SUNLAND CONSTRUCTION INC	HWY 13 SOUTH	EUNICE	LA	70535
SUPERIOR FLOORS INC	3225 N PROSPECT RD	PEORIA	IL	61603
SURFACE PREPARATION TECHNOLOGIES INC	81 TEXACO ROAD	MECHANICSBURG	PA	17055
SW FRANKS CONSTRUCTION CO	2070 WEST 3RD ST	CLEVELAND	OH	44113
SW HUFFMAN CONSTRUCTION INC	PO BOX 99	OTTUMWA	IA	52501
SWANSTON EQUIPMENT COMPANY	3404 MAIN AVE	FARGO	ND	58103
TAFT CONTRACTING CO INC	9000 W 67TH	HODGKINS	IL	60525
TANCO ENGINEERING INCORPORATED	1030 BOSTON AVE	LONGMONT	CO	80501
TECH BUILDERS INC	410 DOWNTOWN PLZ	FAIRMONT	MN	56031
TEFCO INC	11022 SAWMILL RD	ELBERFELD	IN	47613
TERRA ENGINEERING & CONSTRUCTION CORPORATION	2201 VONDRON RD	MADISON	WI	53718
TEXAS COMMERCIAL FENCE INC	320 SOUTHLAND DR	BURNET	TX	78611
TEXAS STONE & TILE INC	2683 LOMBARDY LN	DALLAS	TX	75220
THIEMS CONSTRUCTION CO INC	P O BOX 386	EDWARDSVILLE	IL	62025
THOMAS & EGENHOEFER INC	N59W14053 BOBOLINK AVE	MENOMONEE FLS	WI	53051
THOMAS L BEAR CONSTRUCTION INC	14758 202ND ST	BLOOMFIELD	IA	52537
THOMPSON ELECTRIC COMPANY OF OMAHA	P O BOX 207	SIOUX CITY	IA	51102
TIC THE INDUSTRIAL COMPANY	40185 ROUTT COUNTY RD 129	STEAMBOAT SPRGS	CO	80477
TITAN CONTRACTING & LEASING CO INC	2205 RAGU DRIVE	OWENSBORO	KY	42302

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
TMI COATINGS INC	2805 DODD RD	EAGAN	MN	55121
TNT CONSTRUCTION CO INC	144 EASY ST	CAROL STREAM	IL	60188
TONTO CONSTRUCTION INC	HWY 16 W 78TH ST	MUSKOGEE	OK	74401
TPQ CORPORATION	8522 E 61ST ST	TULSA	OK	74133
TRAC WORK INC	303 W KNOX	ENNIS	TX	75119
TRI STATE PAVING INC	STATE LINE RD	PICHER	OK	74360
TRI STATE SIGNING	509 BAILEY AVE	NEW HAMPTON	IA	50659
TRIAGE CONSULTING GROUP	221 MAIN STREET STE 1100	SAN FRANCISCO	CA	94105
TRIDAQ INC	1011 LEAVENWORTH	OMAHA	NE	68102
TRIGON ENGINEERING INC	475 17TH ST STE 300	DENVER	CO	80202
TRINITY EXCAVATING & CONSTRUCTION INC	1500 KANSAS CITY RD	OLATHE	KS	66061
TSC OF KANSAS INC	2200 W 75TH ST STE 15	PRAIRIE VILLAGE	KS	66208
TULSA INSPECTION RESOURCES INC	12811 E 86TH PLACE N #106	OWASSO	OK	74055
TWIN CITY POOLS INC	948 KANSAS AVE	KANSAS CITY	KS	66105
UNIVERSAL CONTRACTING CO	1207 LUCAS	BURLINGTON	IA	52601
UNIVERSAL LIMITED INC	932 ALTON PARKWAY	BIRMINGHAM	AL	35210
US ASPHALT CO	14012 GILES RD	OMAHA	NE	68138
VERSENT GROUP LLC	13608 W 95TH ST	LENEXA	KS	66215
VHP ENTERPRISES INC	728 WESLEY AVE	TARPOON SPRINGS	FL	34689
VINCENT ROOFING INC	340 SE 15TH ST	TOPEKA	KS	66607
VINTAGE SPORTS CARDS INC	410 S TRADE CNTR PKWY #A8	CONROE	TX	77385
VLS SYSTEMS INC	9900 MAIN ST #304	FAIRFAX	VA	22031
VON ALST INC	2416 SMELTING WORKS RD	SWANSEA	IL	62226
VON ROLL INC	3080 NORTHWOODS CIR STE 2	NORCROSS	GA	30071
W & G LLC	5075 CARPENTER RD	YPSILANTI	MI	48197
W G YATES & SONS CONSTRUCTION COMPA	104 GULLY AVENUE	PHILADELPHIA	MS	39350
WACHTER ELECTRIC COMPANY	16001 W 99TH ST	LENEXA	KS	66219
WADE & ASSOCIATES INC	2500 W 6TH ST STE E	LAWRENCE	KS	66049
WALT WAGNER CONSTRUCTION INC	305 S 5TH ST	LEAVENWORTH	KS	66048
WALTERS EXCAVATING	24060 K 68 HWY	PAOLA	KS	66071
WASATCH ELECTRIC A DIVISION OF DYNA	1420 SPRING HILL RD SE500	MCLEAN	VA	22102
WEATHERCRAFT COMPANY OF GRAND ISLAND	312 NORTH ELM STREET	GRAND ISLAND	NE	68801
WEATHERCRAFT COMPANY OF LINCOLN	545 J ST	LINCOLN	NE	68508
WEBER AIR CONDITIONING CO INC	2501 CONE DR	TARRANT	AL	35217
WEITZ COMPANY LLC THE	400 LOCUST STE 300	DES MOINES	IA	50309
WELSH COMPANIES	8200 NORMANDALE BLVD #200	MINNEAPOLIS	MN	55437
WEST SIDE MECHANICAL INC	P O BOX 11247	KANSAS CITY	KS	66111
WESTERN CAROLINA PLUMBING	25 SANDTRAP RD	WAYNESVILLE	NC	28786
WESTIN CONSTRUCTION COMPANY	10828 NESBITT AVE SO	BLOOMINGTON	MN	55437
WHITE MOUNTAIN CABLE CONSTRUCTION C	OLD DOVER RD	EPSOM	NH	03234
WHITING TURNER CONTRACTING CO THE	300 E JOPPA RD	BALTIMORE	MD	21286
WILLIAMS ELECTRIC CO INC	695 DENTON BLVD	FORT WALTON BEA	FL	32547

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
WINTER CONSTRUCTION INC	1/4 M E ON 54 SOUTH	FORT SCOTT	KS	66701
WOODS CONSTRUCTION INC	6396 PRODUCT DRIVE	STERLING HEIGHTS	MI	48312
WORLEY CLAIMS SERVICE INC	4736 W NAPOLEAN AVE	METAIRIE	LA	70001
WR NEWMAN & ASSOCIATES INC	2854 LOGAN ST	NASHVILLE	TN	37211
YAZAKI EDS ENGINEERING INC	6800 HAGGERTY RD	CANTON	MI	48187
ZIMMERMAN CONSTRUCTION COMPANY INC	11005 W 126TH ST	OVERLAND PARK	KS	66213

Updated: 10/03/2005 9:35:13 AM

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

NOTICE OF DISSOLUTION
of LIMITED LIABILITY COMPANY
To All Creditors of and Claimants Against
La~de~da, LLC

On September 13, 2005, La~de~da, LLC filed its Notice of Winding Up for a limited liability company with the Missouri Secretary of State, effective, September 13, 2005. You are hereby notified that if you believe you have a claim against La~de~da, LLC, you must submit a claim to: La~de~da, LLC, C/O Ronda Sulltrop, 5902 Beechwood Court, Parkville, Missouri 64152. Claims must include (1) the name and address of the claimant; (2) the amount of the claim; (3) the basis for the claim; and, (4) documentation of the claim.

A claim against La~de~da, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—27 (2002), 28 (2003), 29 (2004) and 30 (2005). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedule				27 MoReg 1724 28 MoReg 1861 29 MoReg 1610 30 MoReg 2435
1 CSR 10-4.010	Commissioner of Administration	30 MoReg 1783	30 MoReg 1697	30 MoReg 2407	
1 CSR 10-8.010	Commissioner of Administration		30 MoReg 1614	30 MoReg 2309	
1 CSR 10-15.010	Commissioner of Administration	30 MoReg 1783	30 MoReg 1698	30 MoReg 2407	
1 CSR 15-3.290	Administrative Hearing Commission		30 MoReg 1437	30 MoReg 2188	
1 CSR 15-3.350	Administrative Hearing Commission		30 MoReg 1437	30 MoReg 2188	
1 CSR 15-3.380	Administrative Hearing Commission		30 MoReg 1438	30 MoReg 2188	
1 CSR 15-3.490	Administrative Hearing Commission		30 MoReg 1438	30 MoReg 2188	
1 CSR 20-4.020	Personnel Advisory Board and Division of Personnel		30 MoReg 1044	30 MoReg 2087	
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		30 MoReg 2384		
1 CSR 30-5.010	Design and Construction		This Issue		
1 CSR 35-1.050	Division of Facilities Management		This Issue		
1 CSR 35-2.030	Division of Facilities Management		This Issue		
1 CSR 40-1.060	Purchasing and Materials Management		30 MoReg 1527	30 MoReg 2407	
1 CSR 70-1.010	Missouri Assistive Technology Advisory Council (<i>Changed from 8 CSR 70-1.010</i>)		30 MoReg 1441	30 MoReg 2309	
1 CSR 70-1.020	Missouri Assistive Technology Advisory Council (<i>Changed from 8 CSR 70-1.020</i>)		30 MoReg 1441	30 MoReg 2309	
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.005	Animal Health		30 MoReg 1900		
2 CSR 30-2.010	Animal Health		30 MoReg 1529		
2 CSR 70-11.040	Plant Industries	30 MoReg 1433	30 MoReg 1438	30 MoReg 2189	
2 CSR 70-13.030	Plant Industries		30 MoReg 2240		
2 CSR 70-13.040	Plant Industries		30 MoReg 2240		
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		30 MoReg 1708	30 MoReg 2309	
3 CSR 10-4.110	Conservation Commission		30 MoReg 2142		
3 CSR 10-4.113	Conservation Commission		30 MoReg 2142		
3 CSR 10-4.130	Conservation Commission		30 MoReg 2143		
3 CSR 10-4.135	Conservation Commission		30 MoReg 2017		
3 CSR 10-4.136	Conservation Commission		30 MoReg 2017		
3 CSR 10-4.137	Conservation Commission		30 MoReg 2018		
3 CSR 10-4.140	Conservation Commission		30 MoReg 2018		
3 CSR 10-4.145	Conservation Commission		30 MoReg 2018		
3 CSR 10-5.205	Conservation Commission		30 MoReg 1532 30 MoReg 2241	30 MoReg 2087	
3 CSR 10-5.215	Conservation Commission		30 MoReg 2143		
3 CSR 10-5.352	Conservation Commission		30 MoReg 2143		
3 CSR 10-5.420	Conservation Commission		30 MoReg 1533	30 MoReg 2087	
3 CSR 10-5.552	Conservation Commission		30 MoReg 2144		
3 CSR 10-5.554	Conservation Commission		30 MoReg 2144		
3 CSR 10-6.405	Conservation Commission		30 MoReg 2144		
3 CSR 10-6.410	Conservation Commission		30 MoReg 2145		
3 CSR 10-6.415	Conservation Commission		30 MoReg 2145		
3 CSR 10-6.510	Conservation Commission		30 MoReg 2145		
3 CSR 10-6.511	Conservation Commission		30 MoReg 2146		
3 CSR 10-6.515	Conservation Commission		30 MoReg 2146		
3 CSR 10-6.535	Conservation Commission		30 MoReg 2019		
3 CSR 10-6.545	Conservation Commission		30 MoReg 2146		
3 CSR 10-6.605	Conservation Commission		30 MoReg 2147		
3 CSR 10-7.405	Conservation Commission		30 MoReg 2147		
3 CSR 10-7.410	Conservation Commission		30 MoReg 1533	30 MoReg 2087	
3 CSR 10-7.430	Conservation Commission		30 MoReg 2147		
3 CSR 10-7.440	Conservation Commission		N.A.	30 MoReg 2088	
3 CSR 10-7.445	Conservation Commission		30 MoReg 2148		
3 CSR 10-7.450	Conservation Commission		30 MoReg 2385		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-8.505	Conservation Commission		30 MoReg 2148		
3 CSR 10-8.510	Conservation Commission		30 MoReg 2148		
3 CSR 10-8.515	Conservation Commission		N.A.	30 MoReg 2089	
			30 MoReg 2386		
3 CSR 10-9.105	Conservation Commission		30 MoReg 2149		
3 CSR 10-9.110	Conservation Commission		30 MoReg 2153		
3 CSR 10-9.220	Conservation Commission		30 MoReg 2153		
3 CSR 10-9.353	Conservation Commission		30 MoReg 2154		
3 CSR 10-9.442	Conservation Commission		N.A.	30 MoReg 2090	
3 CSR 10-9.565	Conservation Commission		30 MoReg 2154		
3 CSR 10-10.711	Conservation Commission		30 MoReg 2386		
3 CSR 10-10.716	Conservation Commission		30 MoReg 2388		
3 CSR 10-10.722	Conservation Commission		30 MoReg 2155		
3 CSR 10-10.724	Conservation Commission		30 MoReg 2156		
3 CSR 10-10.725	Conservation Commission		30 MoReg 2158		
3 CSR 10-10.726	Conservation Commission		30 MoReg 2158		
3 CSR 10-10.782	Conservation Commission		30 MoReg 2159		
3 CSR 10-11.110	Conservation Commission		30 MoReg 2159		
3 CSR 10-11.125	Conservation Commission		30 MoReg 2160		
3 CSR 10-11.180	Conservation Commission		30 MoReg 2160		
3 CSR 10-11.200	Conservation Commission		30 MoReg 2161		
3 CSR 10-11.205	Conservation Commission		30 MoReg 2162		
3 CSR 10-11.210	Conservation Commission		30 MoReg 2163		
3 CSR 10-11.215	Conservation Commission		30 MoReg 2163		
3 CSR 10-12.109	Conservation Commission		30 MoReg 2164		
3 CSR 10-12.110	Conservation Commission		30 MoReg 2164		
3 CSR 10-12.115	Conservation Commission		30 MoReg 2019		
3 CSR 10-12.125	Conservation Commission		30 MoReg 2019		
3 CSR 10-12.135	Conservation Commission		N.A.	30 MoReg 2407	
3 CSR 10-12.140	Conservation Commission		N.A.	30 MoReg 2408	
3 CSR 10-12.145	Conservation Commission		30 MoReg 2165		
3 CSR 10-20.805	Conservation Commission		30 MoReg 2165		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 30-1.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 2020		
4 CSR 30-4.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 2020		
4 CSR 30-4.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 2021		
4 CSR 30-5.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 1301R 30 MoReg 130	30 MoReg 2090R 30 MoReg 2090	
4 CSR 30-5.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 2021		
4 CSR 30-5.080	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 1305	30 MoReg 2090	
4 CSR 30-5.100	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 2022		
4 CSR 30-8.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 1310	30 MoReg 2091	
4 CSR 30-10.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 1310R 30 MoReg 1310	30 MoReg 2091R 30 MoReg 2091	
4 CSR 30-21.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		30 MoReg 1314	30 MoReg 2091	
4 CSR 40-3.011	Office of Athletics		30 MoReg 1314R 30 MoReg 1314	30 MoReg 2091R 30 MoReg 2092	
4 CSR 40-4.090	Office of Athletics		30 MoReg 1317R 30 MoReg 1317	30 MoReg 2092R 30 MoReg 2092	
4 CSR 40-5.030	Office of Athletics		30 MoReg 1321	30 MoReg 2092	
4 CSR 70-2.090	State Board of Chiropractic Examiners		30 MoReg 1792		
4 CSR 95-1.020	Committee for Professional Counselors		30 MoReg 1614	30 MoReg 2310	
4 CSR 100	Division of Credit Unions				30 MoReg 2195 30 MoReg 2339 This Issue
4 CSR 100-2.045	Division of Credit Unions		This IssueR		
4 CSR 150-7.135	State Board of Registration for the Healing Arts		30 MoReg 1440	30 MoReg 2310	
4 CSR 195-3.010	Division of Workforce Development		30 MoReg 1322R 30 MoReg 1323	30 MoReg 2310R 30 MoReg 2310	
4 CSR 195-3.020	Division of Workforce Development		30 MoReg 1328	30 MoReg 2310	
4 CSR 200-4.020	State Board of Nursing		30 MoReg 1795		
4 CSR 200-6.010	State Board of Nursing		30 MoReg 2022R		
4 CSR 200-6.020	State Board of Nursing		30 MoReg 2022		
4 CSR 200-6.030	State Board of Nursing		30 MoReg 2024		
4 CSR 200-6.040	State Board of Nursing		30 MoReg 2025		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 200-6.050	State Board of Nursing		30 MoReg 2032		
4 CSR 200-6.060	State Board of Nursing		30 MoReg 2032		
4 CSR 220-2.100	State Board of Pharmacy		30 MoReg 1534		
4 CSR 220-4.010	State Board of Pharmacy		30 MoReg 1538		
4 CSR 220-5.020	State Board of Pharmacy		30 MoReg 1538		
4 CSR 240-2.071	Public Service Commission		30 MoReg 1332		
4 CSR 240-3.240	Public Service Commission		30 MoReg 2033R		
			30 MoReg 2034		
4 CSR 240-3.330	Public Service Commission		30 MoReg 2037R		
			30 MoReg 2037		
4 CSR 240-3.440	Public Service Commission		30 MoReg 2041R		
			30 MoReg 2041		
4 CSR 240-3.570	Public Service Commission		This Issue		
4 CSR 240-3.635	Public Service Commission		30 MoReg 2045R		
			30 MoReg 2045		
4 CSR 240-31.010	Public Service Commission	30 MoReg 1435	30 MoReg 1617		
4 CSR 240-31.030	Public Service Commission		30 MoReg 1617		
4 CSR 240-31.050	Public Service Commission	30 MoReg 1435	30 MoReg 1618		
4 CSR 240-31.060	Public Service Commission		30 MoReg 1619		
4 CSR 240-31.080	Public Service Commission		30 MoReg 1619		
4 CSR 255-1.040	Missouri Board for Respiratory Care		30 MoReg 1798		
4 CSR 263-2.031	State Committee for Social Workers		30 MoReg 1708		
4 CSR 265-10.020	Division of Motor Carrier and Railroad Safety (Changed to 7 CSR 265-10.020)	30 MoReg 1889	30 MoReg 1900		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 50-340.200	Division of School Improvement		30 MoReg 1620R		
5 CSR 50-345.300	Division of School Improvement		30 MoReg 1620		
5 CSR 70-742.141	Special Education				30 MoReg 1759
5 CSR 80-800.200	Teacher Quality and Urban Education		30 MoReg 1621		
5 CSR 80-800.220	Teacher Quality and Urban Education		30 MoReg 1623		
5 CSR 80-800.230	Teacher Quality and Urban Education		30 MoReg 1625		
5 CSR 80-800.260	Teacher Quality and Urban Education		30 MoReg 1630		
5 CSR 80-800.270	Teacher Quality and Urban Education		30 MoReg 1632		
5 CSR 80-800.280	Teacher Quality and Urban Education		30 MoReg 1634		
5 CSR 80-800.290	Teacher Quality and Urban Education		30 MoReg 1636		
5 CSR 80-800.350	Teacher Quality and Urban Education		30 MoReg 1638		
5 CSR 80-800.360	Teacher Quality and Urban Education		30 MoReg 1640		
5 CSR 80-800.380	Teacher Quality and Urban Education		30 MoReg 1642		
5 CSR 80-860.010	Teacher Quality and Urban Education		30 MoReg 1903		
5 CSR 90-7.010	Vocational Rehabilitation (Changed to 19 CSR 15-8.100)				30 MoReg 2096
5 CSR 90-7.100	Vocational Rehabilitation (Changed to 19 CSR 15-8.200)				30 MoReg 2096
5 CSR 90-7.200	Vocational Rehabilitation (Changed to 19 CSR 15-8.400)				30 MoReg 2096
5 CSR 90-7.300	Vocational Rehabilitation (Changed to 19 CSR 15-8.500)				30 MoReg 2096
5 CSR 90-7.310	Vocational Rehabilitation (Changed to 19 CSR 15-8.510)				30 MoReg 2096
5 CSR 90-7.320	Vocational Rehabilitation (Changed to 19 CSR 15-8.520)				30 MoReg 2096
5 CSR 100-200.060	Missouri Commission for the Deaf and Hard of Hearing		30 MoReg 1440	30 MoReg 2310	
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-2.010	Missouri Highways and Transportation Commission		30 MoReg 1708R		
7 CSR 10-24.010	Missouri Highways and Transportation Commission		30 MoReg 1904		
7 CSR 10-24.020	Missouri Highways and Transportation Commission		30 MoReg 1906		
7 CSR 10-24.030	Missouri Highways and Transportation Commission	30 MoReg 2373	30 MoReg 1907		
7 CSR 10-24.040	Missouri Highways and Transportation Commission		30 MoReg 1907		
7 CSR 10-24.050	Missouri Highways and Transportation Commission		30 MoReg 1908		
7 CSR 10-24.060	Missouri Highways and Transportation Commission		30 MoReg 1908		
7 CSR 10-24.070	Missouri Highways and Transportation Commission		30 MoReg 1912		
7 CSR 10-24.080	Missouri Highways and Transportation Commission		30 MoReg 1912		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
7 CSR 10-24.100	Missouri Highways and Transportation Commission		30 MoReg 1913		
7 CSR 10-24.110	Missouri Highways and Transportation Commission	30 MoReg 2374	30 MoReg 1914		
7 CSR 10-24.120	Missouri Highways and Transportation Commission	30 MoReg 2376	30 MoReg 1914		
7 CSR 10-24.130	Missouri Highways and Transportation Commission		30 MoReg 1915		
7 CSR 10-24.140	Missouri Highways and Transportation Commission		30 MoReg 1915		
7 CSR 10-24.150	Missouri Highways and Transportation Commission		30 MoReg 1916		
7 CSR 10-24.200	Missouri Highways and Transportation Commission		30 MoReg 1916		
7 CSR 10-24.210	Missouri Highways and Transportation Commission		30 MoReg 1917		
7 CSR 10-24.300	Missouri Highways and Transportation Commission		30 MoReg 1917		
7 CSR 10-24.310	Missouri Highways and Transportation Commission		30 MoReg 1919		
7 CSR 10-24.320	Missouri Highways and Transportation Commission		30 MoReg 1919		
7 CSR 10-24.330	Missouri Highways and Transportation Commission		30 MoReg 1920		
7 CSR 10-24.413	Missouri Highways and Transportation Commission		30 MoReg 1920		
7 CSR 10-25.020	Missouri Highways and Transportation Commission		30 MoReg 1709		
7 CSR 265-10.020	Motor Carrier and Railroad Safety (Changed from 4 CSR 265-10.020)	30 MoReg 1889	30 MoReg 1900		30 MoReg 1960
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 20-2.010	Labor and Industrial Relations Commission		30 MoReg 1801	30 MoReg 2408	
8 CSR 50-5.060	Workers' Compensation	This Issue	This Issue		
8 CSR 60-2.025	Missouri Commission on Human Rights		30 MoReg 1921		
8 CSR 60-2.065	Missouri Commission on Human Rights		30 MoReg 1921		
8 CSR 60-2.100	Missouri Commission on Human Rights		30 MoReg 1922		
8 CSR 60-2.130	Missouri Commission on Human Rights		30 MoReg 1923		
8 CSR 60-2.150	Missouri Commission on Human Rights		30 MoReg 1923		
8 CSR 60-2.210	Missouri Commission on Human Rights		30 MoReg 1923		
8 CSR 70-1.010	Missouri Assistive Technology Advisory Council (Changed to 1 CSR 70-1.010)		30 MoReg 1441	30 MoReg 2309	
8 CSR 70-1.020	Missouri Assistive Technology Advisory Council (Changed to 1 CSR 70-1.020)		30 MoReg 1441	30 MoReg 2309	
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-5.200	Director, Department of Mental Health	30 MoReg 1991	30 MoReg 1924		
9 CSR 10-5.206	Director, Department of Mental Health		30 MoReg 2049		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-1.030	Air Conservation Commission		30 MoReg 1332	This Issue	
10 CSR 10-2.390	Air Conservation Commission		30 MoReg 797	30 MoReg 2311	
10 CSR 10-5.480	Air Conservation Commission		30 MoReg 818	30 MoReg 2317	
10 CSR 10-5.510	Air Conservation Commission		30 MoReg 2049		
10 CSR 10-6.010	Air Conservation Commission		30 MoReg 1727		
10 CSR 10-6.020	Air Conservation Commission		30 MoReg 1730		
10 CSR 10-6.030	Air Conservation Commission		30 MoReg 1739		
10 CSR 10-6.040	Air Conservation Commission		30 MoReg 1740		
10 CSR 10-6.070	Air Conservation Commission		30 MoReg 635	30 MoReg 2092	
10 CSR 10-6.075	Air Conservation Commission		30 MoReg 636	30 MoReg 2092	
10 CSR 10-6.080	Air Conservation Commission		30 MoReg 638	30 MoReg 2093	
10 CSR 10-6.110	Air Conservation Commission		30 MoReg 1336	30 MoReg 2322	
10 CSR 20-7.015	Clean Water Commission		30 MoReg 838	30 MoReg 2408	
10 CSR 20-7.031	Clean Water Commission		30 MoReg 843	30 MoReg 2415	
10 CSR 23-3.100	Geological Survey and Resource Assessment Division	30 MoReg 755	30 MoReg 2241		
10 CSR 23-5.050	Geological Survey and Resource Assessment Division	30 MoReg 760	30 MoReg 2249		
10 CSR 25-17.010	Hazardous Waste Management Commission		30 MoReg 2252		
10 CSR 25-17.020	Hazardous Waste Management Commission		30 MoReg 2252		
10 CSR 25-17.030	Hazardous Waste Management Commission		30 MoReg 2253		
10 CSR 25-17.040	Hazardous Waste Management Commission		30 MoReg 2254		
10 CSR 25-17.050	Hazardous Waste Management Commission		30 MoReg 2260		
10 CSR 25-17.060	Hazardous Waste Management Commission		30 MoReg 2267		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 25-17.070	Hazardous Waste Management Commission		30 MoReg 2267		
10 CSR 25-17.080	Hazardous Waste Management Commission		30 MoReg 2274		
10 CSR 25-17.090	Hazardous Waste Management Commission		30 MoReg 2280		
10 CSR 25-17.100	Hazardous Waste Management Commission		30 MoReg 2286		
10 CSR 25-17.110	Hazardous Waste Management Commission		30 MoReg 2286		
10 CSR 25-17.120	Hazardous Waste Management Commission		30 MoReg 2287		
10 CSR 25-17.130	Hazardous Waste Management Commission		30 MoReg 2288		
10 CSR 25-17.140	Hazardous Waste Management Commission		30 MoReg 2288		
10 CSR 25-17.150	Hazardous Waste Management Commission		30 MoReg 2289		
10 CSR 25-17.160	Hazardous Waste Management Commission		30 MoReg 2295		
10 CSR 25-17.170	Hazardous Waste Management Commission		30 MoReg 2295		
10 CSR 40-10.085	Land Reclamation Commission		30 MoReg 1124		
10 CSR 140-2.020	Division of Energy				30 MoReg 2096
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 10-5.010	Adjutant General	30 MoReg 1784	30 MoReg 1801		
11 CSR 30-5.020	Office of the Director		30 MoReg 1539		
11 CSR 30-5.050	Office of the Director		30 MoReg 1539		
11 CSR 30-10.010	Office of the Director		30 MoReg 2295		
11 CSR 30-10.020	Office of the Director		30 MoReg 2296		
11 CSR 40-5.110	Division of Fire Safety		30 MoReg 1128	30 MoReg 2093	
11 CSR 45-5.180	Missouri Gaming Commission		30 MoReg 1644	This Issue	
11 CSR 45-5.181	Missouri Gaming Commission		30 MoReg 1644	This Issue	
11 CSR 45-5.237	Missouri Gaming Commission		This Issue		
11 CSR 45-12.091	Missouri Gaming Commission		30 MoReg 1925		
11 CSR 50-2.160	Missouri State Highway Patrol		30 MoReg 2296		
11 CSR 50-2.200	Missouri State Highway Patrol		30 MoReg 2297		
11 CSR 50-2.320	Missouri State Highway Patrol		30 MoReg 2297		
DEPARTMENT OF REVENUE					
12 CSR 10-1.020	Director of Revenue		This Issue		
12 CSR 10-2.195	Director of Revenue		30 MoReg 982R		
			This IssueR		
12 CSR 10-3.470	Director of Revenue		This IssueR		
12 CSR 10-3.566	Director of Revenue		This IssueR		
12 CSR 10-3.568	Director of Revenue		This IssueR		
12 CSR 10-3.892	Director of Revenue		This IssueR		
12 CSR 10-5.030	Director of Revenue		30 MoReg 2050R		
12 CSR 10-5.045	Director of Revenue		30 MoReg 2050R		
12 CSR 10-5.055	Director of Revenue		30 MoReg 2051R		
12 CSR 10-5.065	Director of Revenue		30 MoReg 2051R		
12 CSR 10-5.072	Director of Revenue		30 MoReg 2051R		
12 CSR 10-5.085	Director of Revenue		30 MoReg 2051R		
12 CSR 10-5.090	Director of Revenue		30 MoReg 2052R		
12 CSR 10-5.095	Director of Revenue		30 MoReg 2052R		
12 CSR 10-5.100	Director of Revenue		30 MoReg 2052R		
12 CSR 10-5.500	Director of Revenue		30 MoReg 2052R		
12 CSR 10-5.510	Director of Revenue		30 MoReg 2053R		
12 CSR 10-5.525	Director of Revenue		30 MoReg 2053R		
12 CSR 10-5.530	Director of Revenue		30 MoReg 2053R		
12 CSR 10-5.535	Director of Revenue		30 MoReg 2167R		
12 CSR 10-5.540	Director of Revenue		30 MoReg 2167R		
12 CSR 10-5.570	Director of Revenue		30 MoReg 2167R		
12 CSR 10-5.575	Director of Revenue		30 MoReg 2168R		
12 CSR 10-5.585	Director of Revenue		30 MoReg 2168R		
12 CSR 10-5.590	Director of Revenue		30 MoReg 2168R		
12 CSR 10-5.595	Director of Revenue		30 MoReg 2168R		
12 CSR 10-5.605	Director of Revenue		30 MoReg 2169R		
12 CSR 10-6.030	Director of Revenue		This Issue		
12 CSR 10-11.050	Director of Revenue		30 MoReg 2169R		
12 CSR 10-11.060	Director of Revenue		30 MoReg 2169R		
12 CSR 10-11.080	Director of Revenue		30 MoReg 2169R		
12 CSR 10-11.160	Director of Revenue		30 MoReg 2170R		
12 CSR 10-11.180	Director of Revenue		30 MoReg 2170R		
12 CSR 10-16.010	Director of Revenue		30 MoReg 2298R		
12 CSR 10-16.020	Director of Revenue		30 MoReg 2299R		
12 CSR 10-16.030	Director of Revenue		30 MoReg 2299R		
12 CSR 10-16.040	Director of Revenue		30 MoReg 2299		
12 CSR 10-16.050	Director of Revenue		30 MoReg 2300R		
12 CSR 10-16.060	Director of Revenue		30 MoReg 2300		
12 CSR 10-16.070	Director of Revenue		30 MoReg 2300		
12 CSR 10-16.090	Director of Revenue		30 MoReg 2301		
12 CSR 10-16.100	Director of Revenue		30 MoReg 2301		
12 CSR 10-16.110	Director of Revenue		30 MoReg 2302		
12 CSR 10-16.120	Director of Revenue		30 MoReg 2302		
12 CSR 10-16.130	Director of Revenue		30 MoReg 2303		
12 CSR 10-16.140	Director of Revenue		30 MoReg 2303		
12 CSR 10-16.150	Director of Revenue		30 MoReg 2304		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
12 CSR 10-16.160	Director of Revenue		30 MoReg 2305R		
12 CSR 10-16.170	Director of Revenue		30 MoReg 2305		
12 CSR 10-23.428	Director of Revenue	30 MoReg 1491R	30 MoReg 1539R	30 MoReg 2333R	
12 CSR 10-23.440	Director of Revenue		This IssueR		
12 CSR 10-24.030	Director of Revenue		This Issue		
12 CSR 10-24.300	Director of Revenue		30 MoReg 2053		
12 CSR 10-24.325	Director of Revenue		30 MoReg 2054		
12 CSR 10-24.335	Director of Revenue		30 MoReg 1741	This Issue	
12 CSR 10-24.412	Director of Revenue		30 MoReg 2170		
12 CSR 10-24.448	Director of Revenue	30 MoReg 1603	30 MoReg 1645	30 MoReg 2432	
12 CSR 10-41.010	Director of Revenue		This Issue		
12 CSR 10-101.600	Director of Revenue		30 MoReg 2054		
12 CSR 10-103.220	Director of Revenue		30 MoReg 2055		
12 CSR 10-103.350	Director of Revenue		30 MoReg 2171		
12 CSR 10-107.100	Director of Revenue		30 MoReg 1345	30 MoReg 2093	
12 CSR 10-405.100	Director of Revenue		30 MoReg 2388		
12 CSR 10-405.105	Director of Revenue		30 MoReg 2389		
12 CSR 10-405.200	Director of Revenue		30 MoReg 2393		
12 CSR 10-405.205	Director of Revenue		30 MoReg 2394		

DEPARTMENT OF SOCIAL SERVICES

13 CSR 35-34.080	Children's Division		30 MoReg 2399		
13 CSR 35-80.020	Children's Division	30 MoReg 1491	30 MoReg 1540	30 MoReg 2189	
13 CSR 40-2.030	Family Support Division		30 MoReg 2176		
13 CSR 40-2.200	Family Support Division	30 MoReg 1785	30 MoReg 1647	This Issue	
13 CSR 40-2.240	Family Support Division		30 MoReg 1540R	30 MoReg 2333R	
13 CSR 40-2.375	Family Support Division	30 MoReg 1436	30 MoReg 1441	30 MoReg 2333	
13 CSR 40-2.380	Family Support Division		30 MoReg 1542R	30 MoReg 2333R	
13 CSR 40-19.020	Family Support Division	30 MoReg 1993	30 MoReg 2055		
13 CSR 70-2.020	Division of Medical Services	30 MoReg 1522R	30 MoReg 1542R	30 MoReg 2333R	
13 CSR 70-3.020	Division of Medical Services		This Issue		
13 CSR 70-3.030	Division of Medical Services		30 MoReg 1345	30 MoReg 2189	
13 CSR 70-3.160	Division of Medical Services		30 MoReg 1130	30 MoReg 2093	
13 CSR 70-3.170	Division of Medical Services		30 MoReg 1444	30 MoReg 2432	
13 CSR 70-4.050	Division of Medical Services	30 MoReg 1891	30 MoReg 1350	30 MoReg 2192	
13 CSR 70-4.080	Division of Medical Services	30 MoReg 1892	30 MoReg 1131	30 MoReg 2094	
13 CSR 70-4.090	Division of Medical Services	30 MoReg 1522	30 MoReg 1544	30 MoReg 2333	
13 CSR 70-4.110	Division of Medical Services	30 MoReg 1894	30 MoReg 1354	30 MoReg 2095	
13 CSR 70-10.015	Division of Medical Services	30 MoReg 1605			
13 CSR 70-10.080	Division of Medical Services	30 MoReg 1607			
13 CSR 70-15.010	Division of Medical Services		30 MoReg 1549	30 MoReg 2334	
13 CSR 70-15.030	Division of Medical Services		30 MoReg 1554	30 MoReg 2334	
13 CSR 70-15.080	Division of Medical Services		30 MoReg 1556R	30 MoReg 2334R	
13 CSR 70-15.110	Division of Medical Services	30 MoReg 1525	30 MoReg 1558	30 MoReg 2335	
13 CSR 70-15.160	Division of Medical Services		30 MoReg 1560	30 MoReg 2335	
13 CSR 70-28.010	Division of Medical Services		30 MoReg 2306		
13 CSR 70-35.010	Division of Medical Services	30 MoReg 1995	30 MoReg 1562		
13 CSR 70-40.010	Division of Medical Services	30 MoReg 1895	30 MoReg 1448	30 MoReg 2193	
13 CSR 70-45.010	Division of Medical Services	30 MoReg 1896	30 MoReg 1649		
13 CSR 70-60.010	Division of Medical Services	30 MoReg 1896	30 MoReg 1566	30 MoReg 2335	
13 CSR 70-90.010	Division of Medical Services	30 MoReg 1897	30 MoReg 1450	30 MoReg 2335	
13 CSR 70-97.010	Division of Medical Services	30 MoReg 1998	30 MoReg 1450	30 MoReg 2193	
13 CSR 70-99.010	Division of Medical Services	30 MoReg 1898	30 MoReg 1451	30 MoReg 2194	

DEPARTMENT OF CORRECTIONS

14 CSR 80-5.010	State Board of Probation and Parole	30 MoReg 2377	30 MoReg 2400		
14 CSR 80-5.020	State Board of Probation and Parole	30 MoReg 2378	30 MoReg 2400		

ELECTED OFFICIALS

15 CSR 30-50.030	Secretary of State		30 MoReg 1742	This Issue	
15 CSR 30-50.040	Secretary of State		30 MoReg 2307		
15 CSR 30-51.100	Secretary of State		30 MoReg 2057		
15 CSR 30-54.215	Secretary of State		30 MoReg 2308		
15 CSR 60-14.040	Attorney General	30 MoReg 2382	30 MoReg 2406		

RETIREMENT SYSTEMS

16 CSR 10-1.040	The Public School Retirement System of Missouri		30 MoReg 2057		
16 CSR 10-1.050	The Public School Retirement System of Missouri		30 MoReg 2058		
16 CSR 10-3.010	The Public School Retirement System of Missouri		30 MoReg 2058		
16 CSR 10-4.005	The Public School Retirement System of Missouri		30 MoReg 2059		
16 CSR 10-4.010	The Public School Retirement System of Missouri		30 MoReg 2059		
16 CSR 10-4.012	The Public School Retirement System of Missouri		30 MoReg 2060		
16 CSR 10-4.014	The Public School Retirement System of Missouri		30 MoReg 2060		
16 CSR 10-5.020	The Public School Retirement System of Missouri		30 MoReg 2061		
16 CSR 10-5.030	The Public School Retirement System of Missouri		30 MoReg 2061		
			This Issue		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
16 CSR 10-6.010	The Public School Retirement System of Missouri		30 MoReg 2062		
16 CSR 10-6.020	The Public School Retirement System of Missouri		30 MoReg 2062		
16 CSR 10-6.040	The Public School Retirement System of Missouri		30 MoReg 2063		
16 CSR 10-6.045	The Public School Retirement System of Missouri		30 MoReg 2064		
16 CSR 10-6.060	The Public School Retirement System of Missouri		30 MoReg 2065		
16 CSR 10-6.090	The Public School Retirement System of Missouri		30 MoReg 2065 This Issue		
16 CSR 50-2.035	The County Employees' Retirement Fund		30 MoReg 1742		
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 15-8.100	Division of Senior Services (<i>Changed from 5 CSR 90-7.010</i>)				30 MoReg 2096
19 CSR 15-8.200	Division of Senior Services (<i>Changed from 5 CSR 90-7.100</i>)				30 MoReg 2096
19 CSR 15-8.400	Division of Senior Services (<i>Changed from 5 CSR 90-7.200</i>)				30 MoReg 2096
19 CSR 15-8.500	Division of Senior Services (<i>Changed from 5 CSR 90-7.300</i>)				30 MoReg 2096
19 CSR 15-8.510	Division of Senior Services (<i>Changed from 5 CSR 90-7.310</i>)				30 MoReg 2096
19 CSR 15-8.520	Division of Senior Services (<i>Changed from 5 CSR 90-7.320</i>)				30 MoReg 2096
19 CSR 30-1.032	Division of Senior Services and Regulation	30 MoReg 1999	30 MoReg 2066		
19 CSR 30-1.074	Division of Senior Services and Regulation	30 MoReg 1999	30 MoReg 2066		
19 CSR 30-20.011	Division of Senior Services and Regulation		30 MoReg 2177		
19 CSR 30-20.021	Division of Senior Services and Regulation	30 MoReg 2000	30 MoReg 2070		
19 CSR 30-30.010	Division of Senior Services and Regulation		30 MoReg 2179		
19 CSR 30-30.020	Division of Senior Services and Regulation		30 MoReg 2181		
19 CSR 30-81.010	Division of Senior Services and Regulation		This Issue		
19 CSR 30-81.020	Division of Senior Services and Regulation		30 MoReg 1925		
19 CSR 30-81.030	Division of Regulation and Licensure	30 MoReg 1608	30 MoReg 1651	30 MoReg 2433	
19 CSR 30-86.022	Division of Senior Services and Regulation		30 MoReg 1804		
19 CSR 60-50	Missouri Health Facilities Review Committee				30 MoReg 1578 30 MoReg 1759 30 MoReg 1960 30 MoReg 2195 30 MoReg 2434
19 CSR 60-50.430	Missouri Health Facilities Review Committee	30 MoReg 1525	30 MoReg 1569	30 MoReg 2337	
19 CSR 73-2.050	Missouri Board of Nursing Home Administrators		30 MoReg 1357	30 MoReg 2433W	
DEPARTMENT OF INSURANCE					
20 CSR	Medical Malpractice				28 MoReg 489 29 MoReg 505 30 MoReg 481
20 CSR	Sovereign Immunity Limits				27 MoReg 2319 28 MoReg 2265 30 MoReg 108
20 CSR 10-2.400	General Administration	30 MoReg 2003	30 MoReg 2084		
20 CSR 200-6.100	Financial Examination		This Issue		
20 CSR 400-1.020	Life, Annuities and Health		30 MoReg 1068		
20 CSR 400-2.165	Life, Annuities and Health		30 MoReg 2085		
20 CSR 400-3.650	Life, Annuities and Health	30 MoReg 1219	30 MoReg 1358	30 MoReg 2095	
20 CSR 400-5.600	Life, Annuities and Health		30 MoReg 1804		
20 CSR 400-7.095	Life, Annuities and Health		30 MoReg 1808		
20 CSR 400-10.100	Life, Annuities and Health		30 MoReg 1159	30 MoReg 2337	
20 CSR 700-1.010	Licensing		30 MoReg 2187		
20 CSR 700-1.145	Licensing	30 MoReg 1043	30 MoReg 1068 30 MoReg 2308		
20 CSR 700-1.146	Licensing		30 MoReg 1743	This Issue	
20 CSR 700-1.147	Licensing		30 MoReg 1743	This Issue	
MISSOURI FAMILY TRUST					
21 CSR 10-1.010	Director and Board of Trustees		30 MoReg 1161	30 MoReg 2337	
21 CSR 10-1.020	Director and Board of Trustees		30 MoReg 1161	30 MoReg 2337	
21 CSR 10-1.030	Director and Board of Trustees		30 MoReg 1162	30 MoReg 2337	
21 CSR 10-2.010	Director and Board of Trustees		30 MoReg 1162	30 MoReg 2338	
21 CSR 10-3.010	Director and Board of Trustees		30 MoReg 1167	30 MoReg 2338	
21 CSR 10-4.010	Director and Board of Trustees		30 MoReg 1168	30 MoReg 2338	
21 CSR 10-4.020	Director and Board of Trustees		30 MoReg 1168	30 MoReg 2338	

Agency	Publication	Expiration
Office of Administration		
Commissioner of Administration		
1 CSR 10-4.010	State of Missouri Vender Payroll Deductions 30 MoReg 1783	February 27, 2006
1 CSR 10-15.010	Cafeteria Plan 30 MoReg 1783	February 27, 2006
Department of Economic Development		
Public Service Commission		
4 CSR 240-31.010	Definitions 30 MoReg 1435	February 15, 2006
4 CSR 240-31.050	Eligibility for Funding—Low-Income Customers and Disabled Customers 30 MoReg 1435	February 15, 2006
Division of Motor Carrier and Railroad Safety		
4 CSR 265-10.020	Licensing of Vehicles 30 MoReg 1889	February 23, 2006
Department of Transportation		
Missouri Highways and Transportation Commission		
7 CSR 10-24.030	Procedures for Solicitations and Receipt of Proposals 30 MoReg 2373	April 25, 2006
7 CSR 10-24.110	Solicitation Procedures for Competitive Proposals 30 MoReg 2374	April 25, 2006
7 CSR 10-24.120	Past Performance 30 MoReg 2376	April 25, 2006
Motor Carrier and Railroad Safety		
7 CSR 265-10.020	Licensing of Vehicles 30 MoReg 1889	February 23, 2006
Department of Labor and Industrial Relations		
Worker's Compensation		
8 CSR 50-5.060	Evaluation of Hearing Disability This Issue	April 27, 2006
Department of Mental Health		
Director, Department of Mental Health		
9 CSR 10-5.200	Report of Complaints of Abuse, Neglect and Misuse of Funds/Property . 30 MoReg 1991	February 28, 2006
Department of Public Safety		
Adjutant General		
11 CSR 10-5.010	Missouri Veteran's Recognition Program 30 MoReg 1784	January 24, 2006
11 CSR 10-7.010	Missouri Military Family Relief Fund Next Issue	May 10, 2006
Department of Revenue		
Director of Revenue		
12 CSR 10-23.428	All Terrain Vehicles Modified for Highway Use 30 MoReg 1491	December 16, 2005
12 CSR 10-24.448	Documents Required for Issuance of a Driver or Nondriver License or Instruction Permit 30 MoReg 1603	December 29, 2005
Department of Social Services		
Children Division		
13 CSR 35-80.020	Residential Care Agency Cost Reporting System 30 MoReg 1491	December 27, 2005
Family Support Division		
13 CSR 40-2.200	Determining Eligibility for Medical Assistance 30 MoReg 1785	February 23, 2006
13 CSR 40-2.375	Medical Assistance for Families 30 MoReg 1436	December 27, 2005
13 CSR 40-19.020	Low Income Home Energy Assistance Program 30 MoReg 1993	March 31, 2006
Division of Medical Services		
13 CSR 70-2.020	Scope of Medical Services for General Relief Recipients 30 MoReg 1522	December 27, 2005
13 CSR 70-4.050	Copayment and Coinsurance for Certain Medicaid-Covered Services . . 30 MoReg 1891	February 27, 2006
13 CSR 70-4.080	Children's Health Insurance Program 30 MoReg 1892	February 27, 2006
13 CSR 70-4.090	Uninsured Women's Health Program 30 MoReg 1522	December 27, 2005
13 CSR 70-4.110	Placement of Liens on Property of Certain Institutionalized Medicaid Eligible Persons 30 MoReg 1894	February 27, 2006
13 CSR 70-10.015	Prospective Reimbursement Plan for Nursing Facility Services 30 MoReg 1605	December 27, 2005
13 CSR 70-10.080	Prospective Reimbursement Plan for HIV Nursing Facility Services . . 30 MoReg 1607	December 27, 2005
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA) 30 MoReg 1525	December 13, 2005
13 CSR 70-35.010	Dental Benefits and Limitations, Medicaid Program 30 MoReg 1995	February 27, 2006
13 CSR 70-40.010	Optical Care Benefits and Limitations—Medicaid Program 30 MoReg 1895	February 27, 2006
13 CSR 70-45.010	Hearing Aid Program 30 MoReg 1896	February 27, 2006
13 CSR 70-60.010	Durable Medicaid Equipment Program 30 MoReg 1896	February 27, 2006
13 CSR 70-90.010	Home Health-Care Services 30 MoReg 1897	February 27, 2006
13 CSR 70-97.010	Health Insurance Premium Payment (HIPPI) Program 30 MoReg 1998	February 27, 2006
13 CSR 70-99.010	Comprehensive Day Rehabilitation Program 30 MoReg 1898	February 27, 2006

Department of Corrections**State Board of Probation and Parole**

- 14 CSR 80-5.010 Definitions for Intervention Fee. 30 MoReg 2377 April 29, 2006
 14 CSR 80-5.020 Intervention Fee Procedure. 30 MoReg 2378 April 29, 2006

Elected Officials**Attorney General**

- 15 CSR 60-14.010 Claims by the Boards of Police Commissioners of St. Louis and
 Kansas City 30 MoReg 2382 April 14, 2006

Department of Health and Senior Services**Division of Senior Services and Regulation**

- 19 CSR 30-1.032 Security for Nonpractitioners 30 MoReg 1999 February 23, 2006
 19 CSR 30-1.074 Dispensing Without a Prescription 30 MoReg 1999 February 23, 2006
 19 CSR 30-20.021 Organization and Management for Hospitals 30 MoReg 2000 March 9, 2006
 19 CSR 30-81.030 Evaluation and Assessment Measures for Title XIX Recipients and
 Applicants in Long-Term Care Facilities 30 MoReg 1608 December 27, 2005

Missouri Health Facilities Review Committee

- 19 CSR 60-50.430 Application Package 30 MoReg 1525 December 30, 2005

Department of Insurance**General Administration**

- 20 CSR 10-2.400 Records 30 MoReg 2003 February 23, 2006

Life, Annuities and Health

- 20 CSR 400-3.650 Medicare Supplement Insurance Minimum Standards Act 30 MoReg 1219 February 2, 2006

Licensing

- 20 CSR 700-1.145 Demonstrating Incompetence, Untrustworthiness or Financial
 Irresponsibility in the Conduct of Variable Life and Variable
 Annuity Business by Insurance Producers 30 MoReg 1043 January 1, 2006

Executive Orders

Executive Orders	Subject Matter	Filed Date	Publication
2005			
05-01	Rescinds Executive Order 01-09	January 11, 2005	30 MoReg 261
05-02	Restricts new lease and purchase of vehicles, cellular phones, and office space by executive agencies	January 11, 2005	30 MoReg 262
05-03	Closes state's Washington D.C. office	January 11, 2005	30 MoReg 264
05-04	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	January 11, 2005	30 MoReg 266
05-05	Establishes the 2005 Missouri State Government Review Commission	January 24, 2005	30 MoReg 359
05-06	Bans the use of video games by inmates in all state correctional facilities	January 24, 2005	30 MoReg 362
05-07	Consolidates the Office of Information Technology to the Office of Administration's Division of Information Services	January 26, 2005	30 MoReg 363
05-08	Consolidates the Division of Design and Construction to Division of Facilities Management, Design and Construction	February 2, 2005	30 MoReg 433
05-09	Transfers the Missouri Head Injury Advisory Council to the Department of Health and Senior Services	February 2, 2005	30 MoReg 435
05-10	Transfers and consolidates in-home care for elderly and disabled individuals from the Department of Elementary and Secondary Education and the Department of Social Services to the Department of Health and Senior Services	February 3, 2005	30 MoReg 437
05-11	Rescinds Executive Order 04-22 and orders the Department of Health and Senior Services and all Missouri health care providers and others that possess influenza vaccine adopt the Center for Disease Control and Prevention, Advisory Committee for Immunization Practices expanded priority group designations as soon as possible and update the designations as necessary	February 3, 2005	30 MoReg 439
05-12	Designates members of staff with supervisory authority over selected state agencies	March 8, 2005	30 MoReg 607
05-13	Establishes the Governor's Advisory Council for Plant Biotechnology	April 26, 2005	30 MoReg 1110
05-14	Establishes the Missouri School Bus Safety Task Force	May 17, 2005	30 MoReg 1299
05-15	Establishes the Missouri Task Force on Eminent Domain	June 28, 2005	30 MoReg 1610
05-16	Transfers all power, duties and functions of the State Board of Mediation to the Labor and Industrial Relations Commission of Missouri	July 1, 2005	30 MoReg 1612
05-17	Declares a DROUGHT ALERT for the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, Ste. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne	July 5, 2005	30 MoReg 1693
05-18	Directs the Director of the Department of Insurance to adopt rules to protect consumer privacy while providing relevant information about insurance companies to the public	July 12, 2005	30 MoReg 1695
05-19	Creates the Insurance Advisory Panel to provide advice to the Director of Insurance	July 19, 2005	30 MoReg 1786
05-20	Establishes the Missouri Homeland Security Advisory Council. Creates the Division of Homeland Security within the Department of Public Safety. Rescinds Executive Orders 02-15 and 02-16	July 21, 2005	30 MoReg 1789
05-21	Creates and amends Meramec Regional Planning Commission to include Pulaski County	August 22, 2005	30 MoReg 2006
05-22	Establishes the State Retirement Consolidation Commission	August 26, 2005	30 MoReg 2008
05-23	Acknowledges regional state of emergency and temporarily waives regulatory requirements for vehicles engaged in interstate disaster relief	August 30, 2005	30 MoReg 2010
05-24	Implements the Emergency Mutual Assistance Compact (EMAC) with the state of Mississippi, directs SEMA to activate the EMAC plan, authorizes use of the Missouri National Guard	August 30, 2005	30 MoReg 2013
05-25	Implements the Emergency Mutual Assistance Compact (EMAC) with the state of Louisiana, directs SEMA to activate the EMAC plan, authorizes use of the Missouri National Guard	August 30, 2005	30 MoReg 2015
05-26	Declares a state of emergency in Missouri and suspends rules and regulations regarding licensing of healthcare providers while treating Hurricane Katrina evacuees	September 2, 2005	30 MoReg 2129
05-27	Directs all relevant state agencies to facilitate the temporary licensure of any healthcare providers accompanying and/or providing direct care to evacuees	September 2, 2005	30 MoReg 2131

Executive Orders	Subject Matter	Filed Date	Publication
05-28	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated, and authorizes the use of state agencies to provide support to the relocation of Hurricane Katrina disaster victims	September 4, 2005	30 MoReg 2133
05-29	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	September 4, 2005	30 MoReg 2135
05-30	Governor Matt Blunt establishes the Office of Supplier and Workforce Diversity to replace the Office of Equal Opportunity. Declares policies and procedures for procuring goods and services and remedying discrimination against minority and women-owned business enterprises	September 8, 2005	30 MoReg 2137
05-31	Assigns the Missouri Community Service Commission to the Department of Economic Development	September 14, 2005	30 MoReg 2227
05-32	Grants leave to additional employees participating in disaster relief services	September 16, 2005	30 MoReg 2229
05-33	Directs the Department of Corrections to lead an interagency steering team for the Missouri Reentry Process (MRP)	September 21, 2005	30 MoReg 2231
05-34	Orders the Adjutant General to call into active service portions of the militia in response to the influx of Hurricane Rita victims	September 23, 2005	30 MoReg 2233
05-35	Declares a State of Emergency, directs the State Emergency Operations Plan be activated, and authorizes use of state agencies to provide support for the relocation of Hurricane Rita victims	September 23, 2005	30 MoReg 2235
05-36	Acknowledges regional state of emergency and temporarily waives regulatory requirements for commercial vehicles engaged in interstate disaster relief	September 23, 2005	30 MoReg 2237
05-37	Closes state offices on Friday, November 25, 2005	October 11, 2005	30 MoReg 2383
05-38	Implements the EMAC with the State of Florida in response to Hurricane Wilma	October 21, 2005	This Issue
05-39	Acknowledges continuing regional state of emergency, temporarily limits regulatory requirements for commercial vehicles engaged in interstate disaster relief, and rescinds orders 05-23 and 05-36	October 25, 2005	This Issue
05-40	Amends Executive Order 98-15 to increase the Missouri State Park Advisory Board from eight to nine members	October 26, 2005	This Issue
05-41	Creates and establishes the Governor's Advisory Council for Veterans Affairs	November 14, 2005	Next Issue
05-42	Establishes the National Incident Management System (NIMS) as the standard for emergency incident management in the State of Missouri	November 14, 2005	Next Issue

2004

04-01	Establishes the Public Safety Officer Medal of Valor, and the Medal of Valor Review Board	February 3, 2004	29 MoReg 294
04-02	Designates staff having supervisory authority over agencies	February 3, 2004	29 MoReg 297
04-03	Creates the Missouri Automotive Partnership	January 14, 2004	29 MoReg 151
04-04	Creates the Missouri Methamphetamine Education and Prevention Task Force	January 27, 2004	29 MoReg 154
04-05	Establishes a Missouri Methamphetamine Treatment Task Force	January 27, 2004	29 MoReg 156
04-06	Establishes a Missouri Methamphetamine Enforcement and Environmental Protection Task Force	January 27, 2004	29 MoReg 158
04-07	Establishes the Missouri Commission on Patient Safety and supercedes Executive Order 03-16	February 3, 2004	29 MoReg 299
04-08	Transfers the Governor's Council on Disability and the Missouri Assistive Technology Advisory Council to the Office of Administration	February 3, 2004	29 MoReg 301
04-09	Requires vendors to disclose services performed offshore. Restricts agencies in awarding contracts to vendors of offshore services	March 17, 2004	29 MoReg 533
04-10	Grants authority to Director of Department of Natural Resources to temporarily waive regulations during periods of emergency and recovery	May 28, 2004	29 MoReg 965
04-11	Declares regional state of emergency because of the need to repair electrical outages by various contractors, including a Missouri contractor. Allows temporary exemption from federal regulations	May 28, 2004	29 MoReg 967
04-12	Declares emergency conditions due to severe weather in all Northern and Central Missouri counties	June 4, 2004	29 MoReg 968
04-13	Declares June 11, 2004 to be day of mourning for President Ronald Reagan	June 7, 2004	29 MoReg 969
04-14	Establishes an Emancipation Day Commission. Requests regular observance of Emancipation Proclamation on June 19	June 17, 2004	29 MoReg 1045

Executive Orders	Subject Matter	Filed Date	Publication
04-15	Declares state of emergency due to lost electrical service in St. Louis region	July 7, 2004	29 MoReg 1159
04-16	Orders a special census be taken in the City of Licking	July 23, 2004	29 MoReg 1245
04-17	Declares that Missouri implement the Emergency Mutual Aid Compact (EMAC) agreement with the State of Florida	August 18, 2004	29 MoReg 1347
04-18	Accepts retrocession of federal jurisdiction over the St. Louis Army Ammunition Plant	August 25, 2004	29 MoReg 1349
04-19	Implements the EMAC with the State of Florida, activates the EMAC plan, and authorizes the use of the Missouri National Guard	September 10, 2004	29 MoReg 1430
04-20	Reestablishes the Poultry Industry Committee	September 14, 2004	29 MoReg 1432
04-21	Directs the creation of the Forest Utilization Committee within the Missouri Department of Conservation	September 14, 2004	29 MoReg 1434
04-22	Requests health care providers limit influenza vaccinations to high risk persons. Orders various actions by providers, Missouri Department of Health and Senior Services, and Attorney General's Office regarding influenza vaccine supply.	October 25, 2004	29 MoReg 1683
04-23	Creates the Forest Utilization Committee within the Missouri Department of Conservation. Supersedes and rescinds Executive Order 04-21	October 22, 2004	29 MoReg 1685
04-24	Rescinds Executive Order 03-15	October 22, 2004	29 MoReg 1687
04-25	Rescinds Executive Order 03-27	October 22, 2004	29 MoReg 1688
04-26	Authorizes Adjutant General to recognize Noncommissioned Officers with a First Sergeant's ribbon	November 1, 2004	29 MoReg 1791
04-27	Closes state offices Friday November 26, 2004	November 1, 2004	29 MoReg 1792
04-28	Closes state offices Monday, January 10, 2005	December 6, 2004	29 MoReg 2256
04-29	Rescinds Executive Order 04-22	January 4, 2005	30 MoReg 147

The rule number and the MoReg publication date follow each entry to this index.

ACUPUNCTURIST ADVISORY COMMITTEE

credentials, name, address changes; 4 CSR 15-1.020; 3/15/05, 7/1/05
fees; 4 CSR 15-1.030; 3/15/05, 7/1/05
standards of practice; 4 CSR 15-3.010; 3/15/05, 7/1/05

ADMINISTRATIVE HEARING COMMISSION

answers, pleadings; 1 CSR 15-3.380; 7/1/05, 10/17/05
complaints; 1 CSR 15-3.350; 7/1/05, 10/17/05
filing of documents, fax, posting of bond; 1 CSR 15-3.290; 7/1/05, 10/17/05
hearings; 1 CSR 15-3.490; 7/1/05, 10/17/05

ADMINISTRATION, OFFICE OF

cafeteria plan; 1 CSR 10-15.010; 8/15/05; 9/1/05, 11/15/05
direct deposit of payroll requirements; 1 CSR 10-8.010; 8/1/05, 11/1/05
vendor
payroll deductions; 1 CSR 10-4.010; 8/15/05; 9/1/05, 11/15/05
registration, bidding, suspension, debarment;
1 CSR 40-1.060; 7/15/05, 11/15/05

AGRICULTURE, DEPARTMENT OF

value-added loan guarantee program; 2 CSR 100-7.010; 1/18/05, 5/2/05
tax credits; 2 CSR 100-10.010; 1/18/05, 5/2/05

AIR QUALITY, POLLUTION

ambient air quality standards; 10 CSR 10-6.010; 8/15/05
definitions; 10 CSR 10-6.020; 8/15/05
reference methods; 10 CSR 10-6.040; 8/15/05
sampling methods for air pollution sources; 10 CSR 10-6.030; 8/15/05
appeals, requests for hearings; 10 CSR 10-1.030; 6/15/05, 12/1/05
conformity to state and federal plans, programs
Kansas City; 10 CSR 10-2.390; 5/2/05, 11/1/05
St. Louis; 10 CSR 10-5.480; 5/2/05, 11/1/05
emissions
data, fees, process information; 10 CSR 10-6.110; 6/15/05, 11/1/05
electric generating units, non-electric generating boilers;
10 CSR 10-6.360; 3/15/05, 9/1/05
hazardous air pollutants; 10 CSR 10-6.080; 4/1/05, 10/3/05
large internal combustion engines; 10 CSR 10-6.390; 3/15/05, 9/1/05
nitrogen oxides; 10 CSR 10-5.510; 10/3/05
Portland cement kilns; 10 CSR 10-6.380; 3/15/05, 9/1/05
maximum achievable control technology; 10 CSR 10-6.075; 4/1/05, 10/3/05
new source performance regulations; 10 CSR 10-6.070; 4/1/05, 10/3/05
operating permits; 10 CSR 10-6.065; 1/18/05, 2/1/05, 8/1/05

AMBER ALERT

activating procedures, law enforcement; 11 CSR 30-10.020; 11/1/05
definitions; 11 CSR 30-10.010; 11/1/05

AMBULATORY SURGICAL CENTERS

administration standards; 19 CSR 30-30.020; 10/17/05
definitions, procedures for licensing; 19 CSR 30-30.010; 10/17/05

ANIMAL HEALTH

admission of livestock; 2 CSR 30-2.010; 5/16/05, 7/15/05
exhibition, requirements; 2 CSR 30-2.040; 4/15/05, 9/1/05

ice cream containers, tags; 2 CSR 30-22.010; 12/15/04, 4/1/05
inspection of meat and poultry; 2 CSR 30-10.010; 12/15/04, 4/1/05
vesicular stomatitis restrictions; 2 CSR 30-2.005; 9/15/05

ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, LANDSCAPE ARCHITECTS

admission to examination
architects; 4 CSR 30-5.050; 6/15/05, 10/3/05
standards; 4 CSR 30-5.030; 10/3/05
engineers, standards; 4 CSR 30-5.080; 6/15/05, 10/3/05
passing of Part I required; 4 CSR 30-5.100; 10/3/05
certificate of authority; 4 CSR 30-10.010; 6/15/05, 10/3/05
complaints, procedure; 4 CSR 30-12.010; 12/1/04, 5/2/05
evaluations, comity applications
engineers; 4 CSR 30-4.070; 10/3/05
landscape architects; 4 CSR 30-4.090; 10/3/05
fire suppression systems, design of; 4 CSR 30-21.010; 6/15/05, 10/3/05
land surveyor; 4 CSR 30-8.020; 6/15/05, 10/3/05
organization; 4 CSR 30-1.010; 10/3/05
reexamination; 4 CSR 30-5.060; 1/3/05, 5/2/05

ASSISTIVE TECHNOLOGY ADVISORY COUNCIL, MISSOURI

assistive technology loan program; 8 CSR 70-1.020 (changed to 1 CSR 70-1.020); 7/1/05, 11/1/05
telecommunications access program; 8 CSR 70-1.010 (changed to 1 CSR 70-1.010); 7/1/05, 11/1/05

ATHLETIC TRAINERS

applicants; 4 CSR 150-6.020; 4/1/05, 7/15/05
code of ethics; 4 CSR 150-6.040; 4/1/05, 7/15/05
definitions; 4 CSR 150-6.010; 4/1/05, 7/15/05
examinations; 4 CSR 150-6.025; 4/1/05, 7/15/05
fees; 4 CSR 150-6.050; 4/1/05, 7/15/05
registration
by reciprocity; 4 CSR 150-6.030; 4/1/05, 7/15/05
renewal of; 4 CSR 150-6.060; 4/1/05, 7/15/05
supervision
changes, name, address, physician; 4 CSR 150-6.070; 4/1/05, 7/15/05

ATHLETICS, OFFICE OF

contestants; 4 CSR 40-4.090; 6/15/05, 10/3/05
tickets, taxes; 4 CSR 40-3.011; 6/15/05, 10/3/05
wrestling, professional; 4 CSR 40-5.030; 6/15/05, 10/3/05

ATTORNEY GENERAL, OFFICE OF THE

claims, boards of police commissioners; 15 CSR 60-14.040; 11/15/05
no-call database, fee established; 15 CSR 60-13.060; 4/15/05, 8/15/05

BARBER EXAMINERS, STATE BOARD OF

fees; 4 CSR 60-1.025; 5/2/05, 8/15/05
licensure by examination; 4 CSR 60-2.015; 5/2/05, 8/15/05
schools/colleges, rules, curriculum; 4 CSR 60-3.015; 5/2/05, 8/15/05
shops; 4 CSR 60-2.040; 5/2/05, 8/15/05

BEVERAGE MANUFACTURERS AND DISTRIBUTORS

licensing, collection of fees; 19 CSR 20-1.060; 5/16/05

BINGO

bank account; 11 CSR 45-30.220; 1/3/05, 5/2/05
card; 11 CSR 45-30.035; 1/3/05, 5/2/05
contraband; 11 CSR 45-30.545; 1/3/05, 5/2/05
electronic bingo card monitoring devices; 11 CSR 45-30.600;
1/3/05, 5/2/05
equipment; 11 CSR 45-30.160; 1/3/05, 5/2/05
 co-ownership of equipment; 11 CSR 45-30.290; 1/3/05,
 5/2/05
 defined; 11 CSR 45-30.155; 1/3/05, 5/2/05
 leases, reasonable market rental rate; 11 CSR 45-30.300;
 1/3/05, 5/2/05
game operation definitions; 11 CSR 45-30.205; 1/3/05, 5/2/05
games, special; 11 CSR 45-30.030; 1/3/05, 5/2/05
gross receipts; 11 CSR 45-30.050; 1/3/05, 5/2/05
inventory, ownership, leasing of equipment; 11 CSR 45-30.180;
1/3/05, 5/2/05
leased locations; 11 CSR 45-30.240; 1/3/05, 5/2/05
license, regular bingo; 11 CSR 45-30.070; 1/3/05, 5/2/05
market rental for leased premises; 11 CSR 45-30.235; 1/3/05,
5/2/05
merchandise prizes; 11 CSR 45-30.200; 1/3/05, 5/2/05
net receipts from bingo; 11 CSR 45-30.280; 1/3/05, 5/2/05
occasions; 11 CSR 45-30.040; 1/3/05, 6/1/05
operators; 11 CSR 45-30.060; 1/3/05, 5/2/05
 organization; 11 CSR 4-30.175; 1/3/05, 5/2/05
participation; 11 CSR 45-30.340; 1/3/05, 5/2/05
premises defined, inspections, gambling devices prohibited;
11 CSR 45-30.270; 1/3/05, 5/2/05
progressive games; 11 CSR 45-30.370; 1/3/05, 5/2/05
promotions; 11 CSR 45-30.025; 1/3/05, 5/2/05
pull-tab cards; 11 CSR 45-30.350; 1/3/05, 5/2/05
pull-tab packaging, assembly, distribution; 11 CSR 45-30.575;
1/3/05, 5/2/05
record keeping requirements, supplier; 11 CSR 45-30.525; 1/3/05,
5/2/05
records required; 11 CSR 45-30.170; 1/3/05, 5/2/05
sale of pull-tab cards; 11 CSR 45-30.355; 1/3/05, 6/1/05
reports; 11 CSR 45-30.210; 1/3/05, 5/2/05
worker-player; 11 CSR 45-30.140; 1/3/05, 5/2/05
workers; 11 CSR 45-30.135; 1/3/05, 6/1/05

BOATER SAFETY, MANDATORY EDUCATION PROGRAM

permits, temporary nonresident rental vessel operators;
11 CSR 80-9.020; 3/15/05, 7/1/05

BOLL WEEVIL ERADICATION

cotton stalk destruction; 2 CSR 70-13.040; 11/1/05
participation, fees, penalties; 2 CSR 70-13.030; 11/1/05

CERTIFICATE OF NEED PROGRAM

application package; 19 CSR 60-50.430; 7/15/05, 11/1/05

CHILDREN'S DIVISION

accreditation, licensing; 13 CSR 35-50.010; 2/1/05, 5/16/05
child abuse/neglect hotline reports; 13 CSR 35-20.010; 12/15/04,
5/2/05
children's disbursement income system (KIDS);
13 CSR 35-34.080; 11/15/05
residential care cost reporting system; 13 CSR 35-80.020;
7/15/05, 10/17/05
residential foster care maintenance methodology;
13 CSR 35-80.010; 2/15/05
voluntary placement agreement; 13 CSR 35-30.010; 2/1/05,
5/16/05

CHIROPRACTIC EXAMINERS, STATE BOARD OF

application for licensure; 4 CSR 70-2.040; 5/2/05, 9/1/05
certification, specialty; 4 CSR 70-2.032; 5/2/05, 9/1/05

fees; 4 CSR 70-2.090; 5/2/05, 9/1/05
license renewal, biennial; 4 CSR 70-2.080; 5/2/05, 9/1/05
preceptorship; 4 CSR 70-3.010; 5/2/05, 9/1/05
reciprocity; 4 CSR 70-2.070; 5/2/05, 9/1/05
rules, professional conduct; 4 CSR 70-2.060; 5/2/05, 9/1/05

CLEAN WATER COMMISSION

effluent regulations; 10 CSR 20-7.015; 5/2/05, 11/15/05
water quality standards; 10 CSR 20-7.031; 5/2/05, 11/15/05

CONSERVATION COMMISSION

bass, white, yellow, striped; 3 CSR 10-6.545; 10/17/05
boats, motors; 3 CSR 10-12.110; 6/1/05, 8/15/05; 10/17/05
bullfrogs; 3 CSR 10-7.445; 10/17/05
bullfrogs, green frogs; 3 CSR 10-12.115; 6/1/05, 8/15/05;
10/3/05
catfish, channel, blue, flathead; 3 CSR 10-6.510; 10/17/05
closed hours; 3 CSR 10-12.109; 6/1/05, 8/15/05
3 CSR 10-12.109; 10/17/05
closings; 3 CSR 10-11.115; 6/1/05, 8/15/05
confinement, wildlife
 prohibitions, application; 3 CSR 10-9.110; 10/17/05
 provisions; 3 CSR 10-9.105; 10/17/05
 standards; 3 CSR 10-9.220; 10/17/05
crappie; 3 CSR 10-6.515; 10/17/05
deer hunting
 archery season; 3 CSR 10-7.432; 7/15/05
 firearms seasons; 3 CSR 10-7.433; 7/15/05
 landowner privileges; 3 CSR 10-7.434; 7/15/05
 nonresident
 archery, antlerless; 3 CSR 10-5.554; 10/17/05
 firearms, first bonus; 3 CSR 10-5.552; 10/17/05
 resident
 firearms, first bonus; 3 CSR 10-5.352; 10/17/05
 seasons; 3 CSR 10-7.431; 7/15/05
definitions; 3 CSR 10-20.805; 6/1/05, 8/15/05, 10/17/05
department area regulations; 3 CSR 10-7.438; 7/15/05
 provisions, general; 3 CSR 10-11.110; 10/17/05
falconry; 3 CSR 10-9.442; 10/3/05
field trials; 3 CSR 10-11.125; 10/17/05
fishing
 commercial; 3 CSR 10-10.725; 10/17/05
 length limits; 3 CSR 10-12.145; 6/1/05, 8/15/05, 10/17/05
 3 CSR 10-11.215; 10/17/05
 limits, daily and possession;
 3 CSR 10-12.140; 2/1/05, 6/1/05, 8/15/05, 11/15/05
 3 CSR 10-11.210; 10/17/05
 methods; 3 CSR 10-6.410; 3/1/05, 5/16/05
 3 CSR 10-12.135; 3/1/05, 11/15/05
 3 CSR 10-6.410; 10/17/05
 methods, hours; 3 CSR 10-11.205; 10/17/05
 provisions, seasons; 3 CSR 10-11.200; 10/17/05
 reciprocal privileges; 3 CSR 10-10.726; 10/17/05
 sport fishing, general provisions; 3 CSR 10-6.405; 10/17/05
 trout parks; 3 CSR 10-12.150; 6/1/05, 8/15/05
furbearers
 hunting seasons, methods; 3 CSR 10-7.450; 11/15/05
 trapping seasons; 3 CSR 10-8.515; 10/3/05, 11/15/05
fur handlers, resident
 permit; 3 CSR 10-10.711; 11/15/05
 reports, requirements; 3 CSR 10-10.716; 11/15/05
ginseng; 3 CSR 10-4.113; 10/17/05
hand fishing, experimental, catfish; 3 CSR 10-6.511; 10/17/05
hunting
 general provisions; 3 CSR 10-7.405; 10/17/05
 methods; 3 CSR 10-7.410; 6/1/05, 8/15/05; 7/15/05,
 10/3/05
 provisions, seasons; 3 CSR 10-11.180; 10/17/05
 trapping; 3 CSR 10-12.125; 6/1/05, 8/15/05; 10/3/05
licensed hunting preserve; 3 CSR 10-9.565; 10/17/05

live bait; 3 CSR 10-6.605; 10/17/05
 migratory game birds; 3 CSR 10-7.440; 8/15/05, 10/3/05
 musseling, commercial; 3 CSR 10-10.782; 10/17/05
 organization, method of operations; 3 CSR 10-1.010; 8/15/05, 11/1/05
 owner may protect property; 3 CSR 10-4.130; 10/17/05
 permit
 required, exceptions; 3 CSR 10-5.205; 7/15/05, 10/3/05
 shovelnose sturgeon, commercial harvest; 3 CSR 10-10.722; 10/17/05
 nonresident; 3 CSR 10-10.724; 10/17/05
 trout fishing; 3 CSR 10-9.645; 6/1/05, 8/15/05
 youth deer and turkey; 3 CSR 10-5.420; 7/15/05, 10/3/05
 permits, privileges
 how obtained, not transferable; 3 CSR 10-5.215; 10/17/05
 pheasants; 3 CSR 10-7.430; 10/17/05
 prohibitions
 applications; 3 CSR 10-9.110; 6/1/05, 8/15/05
 wildlife code; 3 CSR 10-4.110; 10/17/05
 restricted zones; 3 CSR 10-6.415; 6/1/05, 8/15/05; 10/17/05
 species, prohibited; 3 CSR 10-4.117; 6/1/05, 8/15/05
 trapping; 3 CSR 10-8.505; 10/17/05
 transportation; 3 CSR 10-4.135; 10/3/05
 trout; 3 CSR 10-6.535; 6/1/05, 8/15/05; 10/3/05
 turkey; 3 CSR 10-7.455; 2/1/05; 7/15/05
 use of traps; 3 CSR 10-8.510; 10/17/05
 wildlife
 breeders; 3 CSR 10-9.353; 10/17/05
 giving away; 3 CSR 10-4.136; 10/3/05
 identification; 3 CSR 10-4.137; 10/3/05
 possession, storage, processing; 3 CSR 10-4.140; 10/3/05
 preparing and serving; 3 CSR 10-4.145; 10/3/05
 prohibitions, application; 3 CSR 10-4.110; 10/17/05
 provisions; 3 CSR 10-9.105; 10/17/05
 standards; 3 CSR 10-9.220; 10/17/05

CONTROLLED SUBSTANCES

dispensing without a prescription; 19 CSR 30-1.074; 10/3/05
 security for nonpractioners; 19 CSR 30-1.032; 10/3/05

COUNSELORS, COMMITTEE FOR PROFESSIONAL

acceptable agents; 4 CSR 95-1.030; 1/3/05, 5/2/05
 application; 4 CSR 95-1.010; 1/3/05, 5/2/05
 licensure; 4 CSR 95-2.065; 1/3/05, 5/2/05
 client welfare; 4 CSR 95-3.015; 1/3/05, 5/2/05
 complaint handling, disposition procedures; 4 CSR 95-1.050; 4 CSR 95-4.010; 1/3/05, 5/2/05
 definitions; 4 CSR 95-3.020; 1/3/05, 5/2/05
 disciplinary rules
 assessment; 4 CSR 95-3.160; 1/3/05, 5/2/05
 client relationships; 4 CSR 95-3.060; 1/3/05, 5/2/05
 competence; 4 CSR 95-3.200; 1/3/05, 5/2/05
 confidentiality; 4 CSR 95-3.140; 1/3/05, 5/2/05
 group relationships; 4 CSR 95-3.090; 1/3/05, 5/2/05
 license credentials; 4 CSR 95-3.220; 1/3/05, 5/2/05
 moral, legal standards; 4 CSR 95-3.040; 1/3/05, 5/2/05
 professional relationships; 4 CSR 95-3.080; 1/3/05, 5/2/05
 public statements/fees; 4 CSR 95-3.120; 1/3/05, 5/2/05
 research activities; 4 CSR 95-3.180; 1/3/05, 5/2/05
 educational requirements; 4 CSR 95-2.010; 1/3/05, 5/2/05
 endorsement of exam score; 4 CSR 95-2.080; 1/3/05, 5/2/05
 ethical considerations
 assessment; 4 CSR 95-3.150; 1/3/05, 5/2/05
 client relationships; 4 CSR 95-3.050; 1/3/05, 5/2/05
 competence; 4 CSR 95-3.190; 1/3/05, 5/2/05
 confidentiality; 4 CSR 95-3.130; 1/3/05, 5/2/05
 group relationships; 4 CSR 95-3.100; 1/3/05, 5/2/05
 license credentials; 4 CSR 95-3.210; 1/3/05, 5/2/05
 moral, legal standards; 4 CSR 95-3.030; 1/3/05, 5/2/05
 professional relationships; 4 CSR 95-3.070; 1/3/05, 5/2/05

public statements/fees; 4 CSR 95-3.110; 1/3/05, 5/2/05
 research activities; 4 CSR 95-3.170; 1/3/05, 5/2/05
 examinations; 4 CSR 95-2.030; 1/3/05, 5/2/05
 experience, supervised counseling; 4 CSR 95-2.020; 1/3/05, 5/2/05
 fees; 4 CSR 95-1.020; 1/3/05, 5/2/05, 8/1/05, 11/1/05
 license renewal; 4 CSR 95-1.060; 1/3/05, 5/2/05
 name and address change; 4 CSR 95-2.060; 1/3/05, 5/2/05
 organization; 4 CSR 95-1.005; 1/3/05, 5/2/05
 reciprocity; 4 CSR 95-2.070; 1/3/05, 5/2/05
 reexamination; 4 CSR 95-2.040; 1/3/05, 5/2/05
 release of public records; 4 CSR 95-1.040; 1/3/05, 5/2/05
 renewal of license; 4 CSR 95-2.050; 1/3/05, 5/2/05
 scope of coverage; 4 CSR 95-3.010; 1/3/05, 5/2/05
 supervisors and responsibilities; 4 CSR 95-2.021; 1/3/05, 5/2/05

CREDIT UNIONS, DIVISION OF

member business loans; 4 CSR 100-2.045; 12/1/05

DEAF AND HARD OF HEARING, MISSOURI COMMISSION FOR THE

fees; 5 CSR 100-200.150; 3/15/05, 7/1/05
 interpreters certification system; 5 CSR 100-200.030; 3/15/05, 7/1/05
 provisional restricted certification; 5 CSR 100-200.045; 3/15/05, 7/1/05
 reinstatement; 5 CSR 100-200.210; 3/15/05, 7/1/05
 revocation; 5 CSR 100-200.220; 3/15/05, 7/1/05
 skill level standards; 5 CSR 100-200.170; 3/15/05, 7/1/05
 written test; 5 CSR 100-200.060; 7/1/05, 11/1/05

DENTAL BOARD, MISSOURI

certification of dental specialists; 4 CSR 110-2.090; 4/1/05, 7/15/05
 federally qualified health centers; 4 CSR 110-2.260; 5/16/05, 9/1/05
 continuing education; 4 CSR 110-2.240; 4/1/05, 7/15/05
 endodontic materials; 4 CSR 100-2.230; 5/16/05, 9/1/05
 fees; 4 CSR 110-2.170; 4/1/05, 7/15/05
 license renewal; 4 CSR 110-2.071; 4/1/05, 7/15/05

DESIGN AND CONSTRUCTION

minority/women business enterprise participation
 state contracts; 1 CSR 30-5.010; 12/1/05

DISEASES, COMMUNICABLE, ENVIRONMENTAL, OCCUPATIONAL

laboratories, duties of; 19 CSR 20-20.080; 5/16/05, 9/15/05

DRIVERS LICENSE BUREAU

calculation of the commercial driver disqualification; 12 CSR 10-24.474; 5/16/05, 9/1/05
 commercial licensing, third party examination audit retest process; 12 CSR 10-24.335; 8/15/05, 12/1/05
 examinations, written, commercial drivers license; 12 CSR 10-24.300; 10/3/05
 excessive speed defined; 12 CSR 10-24.428; 5/16/05, 9/1/05
 hearings; 12 CSR 10-24.030; 12/1/05
 license denial; 12 CSR 10-24.325; 10/3/05
 proof of identity; 12 CSR 10-24.448; 8/1/05, 11/15/05
 records, deletion of traffic convictions, suspension or revocation; 12 CSR 10-24.050; 5/16/05, 9/1/05
 ten-year disqualification; 12 CSR 10-24.444.5/16/05, 9/1/05
 waiver, commercial drivers license for farm-related service industries; 12 CSR 10-24.412; 10/17/05

DRUGS AND DEVICES, PROTECTION OF

inspection, manufacture, and sale; 19 CSR 20-2.010; 5/16/05, 9/15/05
 return and resale; 19 CSR 20-2.030; 5/16/05, 9/15/05

DRY-CLEANING ENVIRONMENTAL RESPONSE TRUST FUND

abandoned sites, notification; 10 CSR 25-17.160; 11/1/05
application procedures; 10 CSR 25-17.090; 11/1/05
applicability; 10 CSR 25-17.010; 11/1/05
claims; 10 CSR 25-17.150; 11/1/05
closure of facilities; 10 CSR 25-17.070; 11/1/05
definitions; 10 CSR 25-17.020; 11/1/05
eligible costs; 10 CSR 25-17.110; 11/1/05
participation, eligibility for funding; 10 CSR 25-17.100; 11/1/05
payment of deductibles and limits; 10 CSR 25-17.120; 11/1/05
registration and surcharges; 10 CSR 25-17.030; 11/1/05
reimbursement procedures; 10 CSR 25-17.140; 11/1/05
releases and contamination; 10 CSR 25-17.050; 11/1/05
reporting and record keeping; 10 CSR 25-17.040; 11/1/05
site characterization and corrective action; 10 CSR 25-17.080; 11/1/05
site prioritization and completion; 10 CSR 25-17.060; 11/1/05
suspension of collection of surcharges, reinstatement; 10 CSR 25-17.130; 11/1/05
violations; 10 CSR 25-17.170; 11/1/05

ELEMENTARY AND SECONDARY EDUCATION

academically deficient schools; 5 CSR 50-340.110; 5/2/05, 9/15/05
certificate of license to teach
 administrators; 5 CSR 80-800.220; 8/1/05
 application; 5 CSR 80-800.200; 8/1/05
 adult education and literacy; 5 CSR 80-800.280; 8/1/05
 classification; 5 CSR 80-800.360; 8/1/05
 content areas; 5 CSR 80-800.350; 8/1/05
 student services; 5 CSR 80-800.230; 8/1/05
 substitute; 5 CSR 80-800.290; 8/1/05
 vocational-technical; 5 CSR 80-800.270; 8/1/05
 temporary authorization; 5 CSR 80-800.260; 8/1/05
classroom teacher jobsharing; 5 CSR 80-670.100; 11/15/04, 4/15/05
graduation requirements, high school; 5 CSR 50-345.300; 8/1/05
individuals with disabilities education act; 5 CSR 70-742.141; 8/15/05, 5 CSR 70-742.140; 9/15/05
priority schools; 5 CSR 50-340.150; 11/15/04, 4/15/05
professional education certification; 5 CSR 80-800.380; 8/1/05
reporting of information by school districts; 5 CSR 50-340.200; 8/1/05
scholarships, Robert C Byrd; 5 CSR 80-860.010; 9/15/05

ELEVATORS

fees, penalties; 11 CSR 40-5.110; 6/1/05, 10/3/05

ENERGY ASSISTANCE

low income energy assistance; 13 CSR 40-19.020; 10/3/05

EXECUTIVE ORDERS

closes Washington D.C. office; 05-03; 2/1/05
Community Service Commission; 05-31; 11/1/05
Acknowledges continuing regional state of emergency, disaster relief
 temporarily limits regulatory requirements for commercial vehicles, and rescinds orders 05-23 and 05-36; 05-39; 12/1/05
Division of Design and Construction consolidates to Division of Facilities Management, Design and Construction; 05-08; 3/1/05
drought alert; 05-17; 8/15/05
Emergency Mutual Assistance Compact with the State of Louisiana; 05-25; 10/3/05
Emergency Mutual Assistance Compact with the State of Mississippi; 05-24; 10/3/05
eminent domain, task force; 05-15; 8/1/05
Executive Order 01-09 rescinded; 05-01; 2/1/05
Head Injury Advisory Council; 05-09; 3/1/05

holiday schedule, closes state offices on

 Friday, November 25, 2005; 05-37; 11/15/05
Homeland Security Advisory Council; 05-20; 9/1/05
Hurricane Katrina

 Adjutant General to call and order organized militia; 05-29; 10/17/05

 disaster service volunteers; 05-32; 11/1/05
 relocation of victims; 05-28; 10/17/05

Hurricane Rita

 Adjutant General to call and order organized militia; 05-34; 11/1/05

 commercial motor vehicle regulatory requirements; 05-36; 11/1/05

 relocation of victims; 05-35; 11/1/05

Hurricane Wilma

 implements the EMAC with the state of Florida; 05-38; 12/1/05

information technology and services; 05-07; 2/15/05

 expanded priority group designation; 05-11; 3/1/05

in-home health care programs; 05-10; 3/1/05

Insurance Advisory Panel; 05-18; 8/15/05
19-05; 9/1/05

licensing of healthcare providers

 state agencies to facilitate temporary licensure; 05-27; 10/17/05

 while treating Hurricane Katrina evacuees; 05-26; 10/17/05

Meramec Regional Planning Commission; 05-21; 10/3/05

Missouri Head Injury Advisory Council transfers to the

 Department of Health and Senior Services; 05-09; 3/1/05

Missouri Reentry Process, interagency steering team; 05-33; 11/1/05

Missouri State Park Advisory Board; 05-40; 12/1/05

Office of Supplier and Workforce Diversity to replace Office of Equal Opportunity; 05-30; 10/17/05

Plant Biotechnology, Governor Advisory Council on; 05-13; 6/1/05
restricts new lease of vehicles, cell phones, office space; 05-02; 2/1/05

State Board of Mediation transfers to Labor and Industrial Relations Commission; 05-16; 8/1/05

State Government Review Commission; 05-05; 2/15/05

State Retirement Consolidation Commission; 05-22; 10/3/05

supervisory authority, governor's staff, departments; 05-12; 4/1/05
video games, inmates; 05-06; 2/15/05

waiver, commercial motor vehicle regulatory requirements, engaged in interstate disaster relief; 05-23; 10/3/05

FACILITIES MANAGEMENT

leasing process, administration; 1 CSR 35-2.030; 12/1/05
public use of state facilities; 1 CSR 35-1.050; 12/1/05

FAMILY SUPPORT DIVISION

definitions, real and personal property; 13 CSR 40-2.030; 10/17/05
eligibility for medical assistance; 13 CSR 40-2.200; 8/1/05, 9/1/05, 12/1/05

federal income tax refund offset fee; 13 CSR 40-110.020; 4/1/05, 8/15/05

grandparents as foster parents; 13 CSR 40-2.380; 7/15/05, 11/1/05
Medicaid eligibility in General Relief prior to application; 13 CSR 40-2.240; 7/15/05, 11/1/05

medical assistance for families; 13 CSR 40-2.375; 7/1/05, 11/1/05
order review and modification fee; 13 CSR 40-110.030; 3/15/05, 8/15/05

FAMILY TRUST, MISSOURI

charitable trust; 21 CSR 10-4.020; 6/1/05, 11/1/05
regulations; 21 CSR 10-3.010; 6/1/05, 11/1/05

definitions; 21 CSR 10-1.020; 6/1/05, 11/1/05

family trust; 21 CSR 10-4.010; 6/1/05, 11/1/05

meetings of the board; 21 CSR 10-1.030; 6/1/05, 11/1/05
organization; 21 CSR 10-1.010; 6/1/05, 11/1/05

terms and conditions; 21 CSR 10-2.010; 6/1/05, 11/1/05

FOOD ESTABLISHMENTS

sanitation; 19 CSR 20-1.025; 4/1/05, 8/1/05

FOOD PROTECTION

licensing of beverage manufacturers, distributors; collection of inspection fees; 19 CSR 20-1.060; 9/15/05

GAMING COMMISSION, MISSOURI

controlled access liquor cabinet systems; 11 CSR 45-12.091; 9/15/05
 definitions; 11 CSR 45-1.090; 2/15/05, 7/1/05, 9/15/05
 electronic gaming devices
 integrity of; 11 CSR 45-5.210; 5/2/05, 9/15/05
 minimum standards; 11 CSR 45-5.190; 5/2/05
 giveaways, promotions; 11 CSR 45-5.181; 8/1/05, 12/1/05
 minimum internal control standards; 11 CSR 45-9.030; 5/2/05, 9/15/05
 shipping of electronic gaming devices; 11 CSR 45-5.237; 12/1/05
 slot machines, progressive; 11 CSR 45-5.200; 2/15/05, 7/1/05
 tournament, chips; 11 CSR 45-5.180; 8/1/05, 12/1/05

GEOLOGICAL SURVEY AND RESOURCE ASSESSMENT DIVISION

certification and registration reports; 10 CSR 23-3.060; 5/2/05, 9/15/05
 heat pump wells, closed-looped, construction; 10 CSR 23-5.050; 5/2/05, 11/1/05
 sensitive areas; 10 CSR 23-3.100; 5/2/05, 11/1/05

GEOLOGIST REGISTRATION, MISSOURI BOARD OF

fees; 4 CSR 145-1.040; 5/2/05, 8/15/05
 licensure by reciprocity; 4 CSR 145-2.060; 5/2/05, 8/15/05

HEALTH CARE PLAN, MISSOURI CONSOLIDATED

public entity membership
 agreement, participation period; 22 CSR 10-3.030; 2/1/05, 5/16/05
 coordination of benefits; 22 CSR 10-3.070; 2/1/05, 5/16/05
 definitions; 22 CSR 10-3.010; 2/1/05, 5/16/05
 provisions, miscellaneous; 22 CSR 10-3.080; 2/1/05, 5/16/05
 review and appeal procedure; 22 CSR 10-3.075; 2/1/05, 5/16/05
 subscriber agreement, membership provisions; 22 CSR 10-3.020; 2/1/05, 5/16/05
 state membership
 contributions; 22 CSR 10-2.030; 2/1/05, 5/16/05
 co-pay and PPO plan
 provisions, covered charges; 22 CSR 10-2.055; 2/1/05, 5/16/05
 summaries; 22 CSR 10-2.045; 2/1/05, 5/16/05
 coordination of benefits; 22 CSR 10-2.070; 2/1/05, 5/16/05
 definitions; 22 CSR 10-2.010; 2/1/05, 5/16/05
 membership agreement, participation period; 22 CSR 10-2.020; 2/1/05, 5/16/05
 provisions, miscellaneous; 22 CSR 10-2.080; 2/1/05, 5/16/05
 review and appeal procedure; 22 CSR 10-2.075; 2/1/05, 5/16/05

HIGHWAYS AND TRANSPORTATION COMMISSION

design-build contracts
 clarifications; 7 CSR 10-24.310; 9/15/05
 communications; 7 CSR 10-24.320; 9/15/05
 competitive bids, solicitation procedures; 7 CSR 10-24.110; 9/15/05, 11/15/05
 conflicts of interest; 7 CSR 10-24.080; 9/15/05
 definitions; 7 CSR 10-24.010; 9/15/05
 discussions; 7 CSR 10-24.330; 9/15/05
 general; 7 CSR 10-24.020; 9/15/05
 information exchange; 7 CSR 10-24.300; 9/15/05
 modified design-build procedures; 7 CSR 10-24.130; 9/15/05
 negotiations; 7 CSR 10-24.413; 9/15/05
 past performance; 7 CSR 10-24.120; 9/15/05, 11/15/05
 process to review, rate, score proposals; 7 CSR 10-24.210; 9/15/05
 proposal evaluation factors; 7 CSR 10-24.200; 9/15/05
 public-private agreements; 7 CSR 10-24.040; 9/15/05

risk allocation; 7 CSR 10-24.070; 9/15/05
 selection procedures, award criteria; 7 CSR 10-24.100; 9/15/05
 solicitations and receipts of proposals; 7 CSR 10-24.030; 9/15/05, 11/15/05
 stipends; 7 CSR 10-24.060; 9/15/05
 tradeoffs in design build contracting; 7 CSR 10-24.140; 9/15/05
 types of projects; 7 CSR 10-24.050; 9/15/05
 use of competitive range to limit competition; 7 CSR 10-24.150; 9/15/05
 motor carrier operations
 licensing of vehicles; 4 CSR 265-10.020 (changed to 7 CSR 265-10.020); 9/15/05
 overweight and overdimension permits; 7 CSR 10-2.010; 8/15/05; 7 CSR 10-25.010; 8/15/05

HOSPITALS

definitions; 19 CSR 30-20.011; 10/17/05
 organization; 19 CSR 30-20.021; 10/3/05
 reporting of infection rates, health care associated; 19 CSR 10-33.050; 3/1/05, 6/15/05
 testing for metabolic and genetic disorders; 19 CSR 25-36.010; 3/1/05, 6/15/05

HUMAN RIGHTS COMMISSION

complaint, investigation, conciliation processes; 8 CSR 60-2.025; 9/15/05
 continuances; 8 CSR 60-2.130; 9/15/05
 evidences; 8 CSR 60-2.150; 9/15/05
 orders; 8 CSR 60-2.210; 9/15/05
 pleadings; 8 CSR 60-2.065; 9/15/05
 prehearing discovery; 8 CSR 60-2.100; 9/15/05

ICE CREAM AND FROZEN FOOD LAW

identification tag; 2 CSR 30-22.010; 12/15/04, 4/1/05

INSURANCE, DEPARTMENT OF

access to providers for treatment of mental health conditions
 20 CSR 400-2.165; 10/3/05
 annuities; 20 CSR 700-1.145; 5/16/05
 commercial honor, principles of trade; 20 CSR 700-1.145; 11/1/05
 recommendations to customers; 20 CSR 700-1.146; 8/15/05, 12/1/05
 supervision of sales; 20 CSR 700-1.147; 8/15/05, 12/1/05
 examinations, licensing procedures; 20 CSR 700-1.010; 10/17/05
 grievance, minimum time to file; 20 CSR 400-10.100; 6/1/05, 11/1/05
 HMO access plans; 20 CSR 400-7.095; 9/1/05
 life and health insurance guaranty association; 20 CSR 400-5.600; 9/1/05
 market conduct examinations; 20 CSR 300-2.200; 5/2/05, 9/1/05
 medical malpractice award; 20 CSR; 3/1/02, 3/3/03, 3/15/04
 Medicare supplement insurance Minimum Standards Act; 20 CSR 400-3.650; 6/15/05, 10/3/05
 records; 20 CSR 10-2.400; 10/3/05
 sovereign immunity limits; 20 CSR; 1/2/02, 12/16/02, 12/15/03
 surplus lines
 forms; 20 CSR 200-6.100; 12/1/05
 licensing requirements; 20 CSR 200-6.600; 4/15/05, 8/15/05
 variable life; 20 CSR 400-1.020; 5/16/05

INTERPRETERS, MISSOURI STATE COMMITTEE OF

fees; 4 CSR 232-1.040; 5/2/05, 8/15/05
 mentorship; 4 CSR 232-3.030; 5/2/05, 8/15/05
 name, address change, license renewal; 4 CSR 232-2.030; 5/2/05, 8/15/05
 principles, general; 4 CSR 232-3.010; 5/2/05, 8/15/05

LABOR AND INDUSTRIAL RELATIONS COMMISSION

practice and procedures; 8 CSR 20-2.010; 9/1/05, 11/15/05

LAND RECLAMATION COMMISSION

appeals and hearings; 10 CSR 40-10.085; 6/1/05
bonding; 10 CSR 40-10.030; 9/1/04, 4/1/05
definitions; 10 CSR 40-10.100; 9/1/04, 4/1/05
enforcement; 10 CSR 40-10.070; 9/1/04, 4/1/05
inspection authority, right of entry; 10 CSR 40-10.060; 9/1/04, 4/1/05
meetings, hearings, conferences; 10 CSR 40-10.080; 9/1/04, 4/1/05
performance requirements; 10 CSR 40-10.050; 9/1/04, 4/1/05
permit application requirements; 10 CSR 40-10.020; 9/1/04, 4/1/05
permit review process; 10 CSR 40-10.040; 9/1/04, 4/1/05

LODGING ESTABLISHMENTS

sanitation, safety standards; 19 CSR 20-3.050; 9/15/05

LOGO SIGNING

administration; 7 CSR 10-9.060; 4/15/05, 8/15/05
definitions; 7 CSR 10-9.020; 4/15/05, 8/15/05
eligibility requirements; 7 CSR 10-9.030; 4/15/05, 8/15/05
public information; 7 CSR 10-9.010; 4/15/05, 8/15/05
service signs, specific; 7 CSR 10-9.040; 4/15/05, 8/15/05
sign design and installation; 7 CSR 10-9.050; 4/15/05, 8/15/05

LONG-TERM CARE, NURSING FACILITIES

certification; 19 CSR 30-81.010; 12/1/05
construction standards; 19 CSR 30-86.012; 12/15/04, 4/15/05
evaluation, assessment measures
Title XIX recipients and applicants; 19 CSR 30-81.030; 8/1/05, 11/15/05
physical plant requirements; 19 CSR 30-86.032; 12/15/04, 4/15/05
screening, prelong-term care; 19 CSR 30-81.020; 9/15/05

MARITAL AND FAMILY THERAPISTS, STATE COMMITTEE OF

fees; 4 CSR 233-1.040; 3/15/05, 7/1/05

MEAT AND POULTRY, INSPECTION OF

standards for inspection; 2 CSR 30-10.010; 12/15/04, 4/1/05

MEDICAL SERVICES, DIVISION OF

anesthesiologist assistants; 13 CSR 70-28.010; 11/1/05
benefits for federally qualified health care centers;
13 CSR 70-26.010; 2/15/05, 6/15/05
children's health insurance program; 13 CSR 70-4.080; 6/1/05, 9/15/05, 10/3/05
comprehensive day rehabilitation program; 13 CSR 70-99.010; 7/1/05, 9/15/05, 10/17/05
dental benefits, limitations; 13 CSR 70-35.010; 7/15/05, 10/3/05
drug prior authorization process; 13 CSR 70-20.200; 1/18/05, 5/2/05
durable medical equipment; 13 CSR 70-60.010; 7/15/05, 9/15/05, 11/1/05
federal reimbursement allowance; 13 CSR 70-15.110; 7/15/05, 11/1/05
hearing aid program; 13 CSR 70-45.010; 8/1/05, 9/15/05
liens on property of institutionalized Medicaid eligible persons;
13 CSR 70-4.110; 6/15/05, 9/15/05, 10/3/05
health insurance premium payment program; 13 CSR 70-97.010; 7/1/05, 10/3/05, 10/17/05
home health care services; 13 CSR 70-90.010; 7/1/05, 9/15/05, 11/1/05
limitation on payment for inpatient care; 13 CSR 70-15.030; 7/15/05, 11/1/05
MCO reimbursement allowance; 13 CSR 70-3.170; 7/1/05, 11/15/05

Medicaid claims

electronic submission; 13 CSR 70-3.160; 6/1/05, 10/3/05
Title XIX, false or fraudulent claims for services;
13 CSR 70-3.030; 6/15/05, 10/17/05

Medicaid covered services

copayment, coinsurance; 13 CSR 70-4.050; 6/15/05, 9/15/05, 10/17/05
nonemergency medical transportation services; 13 CSR 70-5.010; 6/15/05, 9/15/05, 10/3/05
optical care benefits; 13 CSR 70-40.010; 7/1/05, 9/15/05, 10/17/05
outpatient hospital services; 13 CSR 70-15.160; 7/15/05, 11/1/05
payment for general relief recipient hospital outpatient services;
13 CSR 70-15.080; 7/15/05, 11/1/05
personal care program; 13 CSR 70-91.010; 6/1/05, 9/15/05
reimbursement
allowance, nursing facility; 13 CSR 70-10.110; 2/1/05, 6/15/05
HIV services; 13 CSR 70-10.080; 5/2/05, 8/15/05; 8/1/05
inpatient, outpatient hospital services; 13 CSR 70-15.010; 7/15/05, 11/1/05
nursing services; 13 CSR 70-10.015; 5/2/05, 8/15/05; 8/1/05
scope of medical services for general relief recipients;
13 CSR 70-2.020; 7/15/05, 11/1/05
spenddown; 13 CSR 70-4.100; 6/1/05, 9/15/05
Title XIX provider enrollment; 13 CSR 70-3.020; 6/1/05, 9/15/05, 12/1/05
uninsured parents' health insurance program; 13 CSR 70-4.090; 7/15/05, 11/1/05

MENTAL HEALTH, DEPARTMENT OF

events, report of; 9 CSR 10-5.206; 4/1/05, 9/1/05
inspection of public records, copies, fees; 9 CSR 25-3.030; 3/1/05, 6/1/05
opioid treatment programs; 9 CSR 30-3.132; 3/1/05, 6/1/05
report of complaints of abuse/neglect; 9 CSR 10-5.200; 9/15/05, 10/3/05
unusual events, report of; 9 CSR 10-5.206; 2/1/05, 5/16/05; 10/3/05

MILK BOARD, STATE

inspection fees; 2 CSR 80-5.010; 5/16/05, 9/1/05

MOTOR VEHICLE

all terrain vehicles; 12 CSR 10-23.428; 7/15/05, 11/1/05
dealer licensure
fees; 12 CSR 10-26.040; 1/18/05, 6/1/05
filing a report of accident; 12 CSR 10-25.050; 1/18/05, 6/1/05
inspection
brake components; 11 CSR 50-2.160; 11/1/05
school buses; 11 CSR 50-2.320; 11/1/05
steering mechanisms; 11 CSR 50-2.200; 11/1/05
issuance of
biennial disabled person placard; 12 CSR 10-23.460; 1/18/05, 6/1/05
motor fuel bond trust fund; 12 CSR 10-6.030; 12/1/05
replacement license tabs; 12 CSR 10-23.440; 12/1/05
use of license plate after name change; 12 CSR 10-23.290; 12/15/04, 4/1/05

NURSING FACILITIES

certification; 19 CSR 30-81.010; 12/1/05

NURSING HOME ADMINISTRATORS

license, renewal; 19 CSR 73-2.050; 6/15/05, 11/15/05

NURSING, STATE BOARD OF

definitions; 4 CSR 200-6.020; 10/3/05
intravenous fluid treatment administration; 4 CSR 200-6.010; 10/3/05

approval process for course; 4 CSR 200-6.050; 10/3/05
by qualified practical nurses; 4 CSR 200-6.030; 10/3/05
course requirements; 4 CSR 200-6.040; 10/3/05
intravenous infusion treatment administration; 4 CSR 200-6.060;
10/3/05
licensure; 4 CSR 200-4.020; 9/1/05

PEACE OFFICER STANDARDS AND TRAINING (POST) PROGRAM

curricula, objectives; 11 CSR 75-14.030; 1/18/05, 5/2/05

PERSONNEL ADVISORY BOARD

appeals; 1 CSR 20-4.010; 2/1/05
examinations; 1 CSR 20-3.010; 1/18/05, 5/16/05
grievance procedures; 1 CSR 20-4.020; 5/16/05, 10/3/05
leaves of absence; 1 CSR 20-5.020; 11/15/05
organization; 1 CSR 20-1.010; 1/18/05, 5/16/05
Registers; 1 CSR 20-3.020; 1/18/05, 5/16/05

PHARMACY, STATE BOARD OF

complaint handling, disposition procedures; 4 CSR 220-2.050;
1/3/05, 6/1/05, 9/15/05
continuing pharmacy education; 4 CSR 220-2.100; 7/15/05
definitions, standards; 4 CSR 220-5.030; 1/3/05, 6/1/05, 9/15/05
drug distributor licensing requirements; 4 CSR 220-5.020; 7/15/05
fees; 4 CSR 220-4.010; 7/15/05
organization; 4 CSR 220-1.010; 1/3/05, 6/1/05, 9/15/05
permits; 4 CSR 220-2.020; 1/3/05, 6/1/05, 9/15/05
requirements, educational and licensing; 4 CSR 220-2.030;
1/3/05, 5/2/05
standards of operation; 4 CSR 220-2.010; 1/3/05, 6/1/05, 9/15/05

PHYSICAL THERAPISTS AND THERAPIST ASSISTANTS

applicants for licensure; 4 CSR 150-3.010; 5/2/05, 8/15/05
biennial registration; 4 CSR 150-3.060; 4/1/05, 7/15/05

PHYSICIAN ASSISTANTS

agreements, physicians; 4 CSR 150-7.135; 4/1/05, 7/1/05, 7/15/05,
11/1/05

PHYSICIANS AND SURGEONS

education, continuing medical; 4 CSR 150-2.125; 5/2/05, 8/15/05
fees; 4 CSR 150-2.080; 12/1/04, 5/2/05, 8/15/05
penalty, biennial registration; 4 CSR 150-2.050; 5/2/05, 8/15/05
reinstatement, inactive license; 4 CSR 150-2.153; 4/1/05, 7/15/05

PLANT INDUSTRIES

bakanae of rice; 2 CSR 70-11.040; 7/1/05, 10/17/05

PRESCRIPTION DRUG REPOSITORY PROGRAM

definitions; 19 CSR 20-50.005; 1/18/05, 5/16/05
eligibility requirements to receive donated prescription drugs
pharmacies, hospitals, nonprofit clinics; 19 CSR 20-50.010;
1/18/05, 5/16/05
recipients in the program; 19 CSR 20-50.015; 1/18/05,
5/16/05
record keeping requirements; 19 CSR 20-50.040; 1/18/05, 5/16/05
standards, procedures
accepting donated prescription drugs; 19 CSR 20-50.025;
1/18/05, 5/16/05
dispensing donated prescription drugs; 19 CSR 20-50.035;
1/18/05, 5/16/05
donating prescription drugs; 19 CSR 20-50.020; 1/18/05,
5/16/05
inspecting and storing donated prescription drugs;
19 CSR 20-50.030; 1/18/05, 5/16/05

PROBATION AND PAROLE

intervention fee
definitions; 14 CSR 80-5.010; 11/15/05
procedures; 14 CSR 80-5.020; 11/15/05

PUBLIC SERVICE COMMISSION

complaints, expedited procedure; 4 CSR 240-2.071; 6/15/05
customer bills; 4 CSR 240-33.045; 3/15/05, 9/15/05
electric service territorial agreements
fees, petitions, applications; 4 CSR 240-3.135; 4/1/05,
9/15/05
filing requirements; 4 CSR 240-3.130; 4/1/05, 9/15/05
LEC to LEC network; 4 CSR 240-29.010; 1/3/05, 6/15/05
audit provisions; 4 CSR 240-29.160; 1/3/05, 6/15/05
blocking traffic
originating carriers; 4 CSR 240-29.120; 1/3/05, 6/15/05
requests of terminating carriers; 4 CSR 240-29.130;
1/3/05, 6/15/05
transiting carriers; 4 CSR 240-29.140; 1/3/05, 6/15/05
confidentiality; 4 CSR 240-29.150; 1/3/05, 6/15/05
definitions; 4 CSR 240-29.020; 1/3/05, 6/15/05
duty to file tariffs; 4 CSR 240-29.110; 1/3/05, 6/15/05
identification of originating carrier; 4 CSR 240-29.040; 1/3/05,
6/15/05
objections to payment invoices; 4 CSR 240-29.100; 1/3/05,
6/15/05
option to establish separate trunk groups; 4 CSR 240-29.050;
1/3/05, 6/15/05
privacy provisions for end users; 4 CSR 240-29.060; 1/3/05,
6/15/05
provisions, general; 4 CSR 240-29.030; 1/3/05, 6/15/05
time frame for exchange of records, invoices, payments;
4 CSR 240-29.090; 1/3/05, 6/15/05
wireless originated traffic transmitted; 4 CSR 240-29.070;
1/3/05, 6/15/05
use of terminating record creation; 4 CSR 240-29.080;
1/3/05, 6/15/05
gas utilities, small company
rate case procedure; 4 CSR 240-3.240; 10/3/05
rate increase procedure; 4 CSR 240-3.330; 10/3/05
local calling area plans, filing requirements, application;
4 CSR 240-2.061; 4/15/05, 9/15/05
manufactured home installers
definitions; 4 CSR 240-125.010; 2/15/05, 5/2/05
exceptions, licensing; 4 CSR 240-125.030; 2/15/05, 5/2/05
installation decals; 4 CSR 240-125.070; 2/15/05, 5/2/05
licensing; 4 CSR 240-125.060; 2/15/05, 5/2/05
limited use installer; 4 CSR 240-125.050; 2/15/05,
5/2/05
manufactured home installer; 4 CSR 240-125.040;
2/15/05, 5/2/05
provisions, general; 4 CSR 240-125.020; 2/15/05, 5/2/05
steam heating utility rate case procedure; 4 CSR 240-3.440;
10/3/05
telecommunication companies
carrier designations, requirements; 4 CSR 240-3.570; 12/1/05
filing and submission requirements; 4 CSR 240-3.513;
1/18/05, 5/2/05
Universal Service Fund
applications; 4 CSR 240-31.080; 8/1/05
assessments; 4 CSR 240-31.060; 8/1/05
definitions; 4 CSR 240-31.010; 7/1/05, 8/1/05
eligibility; 4 CSR 240-31.050; 7/1/05, 8/1/05
fund administrator; 4 CSR 240-31.030; 8/1/05
water utility small company
rate case procedure; 4 CSR 240-3.635; 10/3/05
rate increase procedure; 4 CSR 240-3.635; 10/3/05

REAL ESTATE COMMISSION

fees; 4 CSR 250-5.030; 2/1/05, 5/16/05

RESPIRATORY CARE, MISSOURI BOARD FOR

fees; 4 CSR 255-1.040; 9/1/05

RESIDENTIAL CARE FACILITIES I AND II

fire safety standards; 19 CSR 30-86.022; 9/1/05

RETIREMENT SYSTEMS, COUNTY EMPLOYEES

distribution of accounts; 16 CSR 50-10.050; 10/1/04, 2/1/05,
6/1/05, 9/15/05

payment of benefits; 16 CSR 50-2.035; 8/15/05
rehires; 16 CSR 50-2.110; 4/1/05, 7/15/05

RETIREMENT SYSTEMS (LAGERS)

qualified government excess benefit arrangement;
16 CSR 20-2.057; 1/3/05, 4/15/05

RETIREMENT SYSTEMS, PUBLIC SCHOOL AND PUBLIC EDUCATION

appeal process; 16 CSR 10-1.050; 10/3/05
beneficiary; 16 CSR 10-5.030, 16 CSR 10-6.090; 10/3/05, 12/1/05
disability retirement; 16 CSR 10-5.020; 10/3/05
election, vacancy on board; 16 CSR 10-1.040; 10/3/05
employment; 16 CSR 10-6.010; 10/3/05
membership service credit; 16 CSR 10-4.010, 16 CSR 10-6.040;
10/3/05
payment of funds; 16 CSR 10-3.010; 10/3/05
reinstatement, credit purchases; 16 CSR 10-4.012,
16 CSR 10-6.045; 10/3/05
payment for; 16 CSR 10-4.014; 10/3/05
requirements for membership; 16 CSR 10-4.005; 10/3/05
service retirement; 16 CSR 10-6.060; 10/3/05
source of funds; 16 CSR 10-6.020; 10/3/05

REVENUE, DEPARTMENT OF

letter rulings; 12 CSR 10-1.020; 12/1/05

SANITATION AND SAFETY STANDARDS

lodging establishments; 19 CSR 20-3.050; 6/1/05

SECURITIES, DIVISION OF

accredited investor exemption; 15 CSR 30-54.215; 11/1/05
agricultural cooperatives; 15 CSR 30-54.195; 1/18/05, 5/2/05
custody of securities or funds by investment advisors;
15 CSR 30-51.100; 10/3/05
fees; 15 CSR 30-50.030; 8/15/05, 12/1/05
forms; 15 CSR 30-50.040; 1/18/05, 5/2/05, 11/1/05

SOCIAL WORKERS, STATE COMMITTEE FOR

license

provisional, baccalaureate; 4 CSR 263-2.047; 5/2/05, 8/15/05
provisional, clinical; 4 CSR 263-2.045; 5/2/05, 8/15/05
supervisors; 4 CSR 263-2.031; 8/15/05

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

applicants, provisional license; 4 CSR 150-4.055; 5/2/05, 8/15/05

TATTOOING, BODY PIERCING AND BRANDING

fees, 4 CSR 267-2.020; 3/15/05, 7/1/05

TAX, CIGARETTES

adjustment to the distribution of St. Louis County funds;
12 CSR 10-16.170; 11/1/05
cigarette tax levied; 12 CSR 10-16.030; 11/1/05
common carriers, bonded warehousemen, bailees;
12 CSR 10-16.140; 11/1/05
definitions; 12 CSR 10-16.020; 11/1/05
discount allowed; 12 CSR 10-16.070; 11/1/05
payment on deferred payment basis; 12 CSR 10-16.100; 11/1/05
possession of unstamped cigarettes; 12 CSR 10-16.150; 11/1/05
purchase on deferred payment basis; 12 CSR 10-16.090; 11/1/05
record keeping requirements; 12 CSR 10-16.130; 11/1/05
release of bonding requirement; 12 CSR 10-16.160; 11/1/05
rulings, prior; 12 CSR 10-16.010; 11/1/05
sample cigarettes; 12 CSR 10-16.060; 11/1/05
tax evidenced by stamps; 12 CSR 10-16.040; 11/1/05
unsaleable packages of cigarettes; 12 CSR 10-16.110; 11/1/05
use of tax stamps; 12 CSR 10-16.050; 11/1/05
wholesaler's license; 12 CSR 10-16.120; 11/1/05

TAX, CITY SALES, TRANSPORTATION SALES, PUBLIC MASS TRANSPORTATION

city tax applies, when; 12 CSR 10-5.050; 1/18/05, 5/16/05
delivery from outside the state; 12 CSR 10-5.070; 1/18/05,
5/16/05
delivery outside jurisdiction; 12 CSR 10-5.060; 1/18/05,
5/16/05
rental or leasing receipts; 12 CSR 10-5.075; 1/18/05, 5/16/05
deductions; 12 CSR 10-5.540; 10/17/05
delinquent tax; 12 CSR 10-5.100; 10/3/05;
12 CSR 10-5.605; 10/17/05
items taken from inventory; 12 CSR 10-5.065; 10/3/05;
12 CSR 10-5.575; 10/17/05
location of machine determines; 12 CSR 10-5.570; 10/17/05
12 CSR 10-11.050; 10/17/05
mobile homes; 12 CSR 10-5.090; 10/3/05;
12 CSR 10-5.595; 10/17/05
motor vehicles; 12 CSR 10-5.085; 10/3/05;
12 CSR 10-5.585; 10/17/05
natural gas sales, metered and nonmetered; 12 CSR 10-5.072;
10/3/05
other entity defined; 12 CSR 10-5.500; 10/3/05
over-the-road trailers; 12 CSR 10-5.590; 10/17/05
place of business; 12 CSR 10-5.550; 1/18/05, 5/16/05
seller,
entitled; 12 CSR 10-5.045; 10/3/05;
12 CSR 10-5.535; 10/17/05
not entitled; 12 CSR 10-5.530; 10/3/05
tax imposed; 12 CSR 10-5.525; 10/3/05
trailers, over-the-road; 12 CSR 10-5.095; 10/3/05
transportation tax applies; 12 CSR 10-5.545; 1/18/05, 5/16/05
delivery from outside the state; 12 CSR 10-5.560; 1/18/05,
5/16/05
delivery outside jurisdiction; 12 CSR 10-5.555; 1/18/05,
5/16/05
rental or leasing receipts; 12 CSR 10-5.565; 1/18/05, 5/16/05
which tax applies; 12 CSR 10-5.055; 10/3/05

TAX, COUNTY SALES

delinquent tax; 12 CSR 10-11.180; 10/17/05
delivery from outside the state; 12 CSR 10-11.130; 1/18/05,
5/16/05
determining which tax applies; 12 CSR 10-11.100; 1/18/05,
5/16/05
items taken from inventory; 12 CSR 10-11.120; 1/18/05, 5/16/05
location of machine determines; 12 CSR 10-11.050; 10/17/05
motor vehicles; 12 CSR 10-11.160; 10/17/05
rental or leasing receipts; 12 CSR 10-11.140; 1/18/05, 5/16/05
seller entitled; 12 CSR 10-11.080; 10/17/05
state sales tax rules apply; 12 CSR 10-11.060; 10/17/05

TAX, CREDIT

homestead preservation credit
procedures
12 CSR 10-405.100; 4/1/05, 8/1/05, 11/15/05;
12 CSR 10-405.105; 11/15/05
qualification and amount of credit
12 CSR 10-405.200; 4/1/05, 8/1/05, 11/15/05;
12 CSR 10-405.205; 11/15/05
special needs adoption tax credit
12 CSR 10-400.200, 2/15/05, 6/1/05;
12 CSR 10-2.195; 12/1/05

TAX, INCOME

annual adjusted rate of interest; 12 CSR 10-41.010; 1/3/05,
5/16/05, 12/1/05
computation of tax; 12 CSR 10-400.250; 1/3/05, 6/1/05
special needs adoption tax credit; 12 CSR 10-2.195; 5/2/05

TAX, SALES/USE

consumer cooperatives; 12 CSR 10-3.470; 12/1/05
direct pay agreement; 12 CSR 10-104.040; 1/3/05, 6/1/05

exemption certificates; 12 CSR 10-107.100; 12/1/04, 4/15/05,
6/15/05, 10/3/05
itinerant or transitory sellers; 12 CSR 10-3.566; 12/1/05
light aircraft, kits; 12 CSR 10-3.892; 12/1/05
motor fuel bond trust fund; 12 CSR 10-6.030; 12/1/05
motor vehicles; 12 CSR 10-103.350; 10/17/05
newspapers, other publications; 12 CSR 10-110.400; 6/1/05
resale; 12 CSR 10-103.220; 10/3/05
sales tax rules apply; 12 CSR 10-5.030, 12 CSR 10-5.510; 10/3/05
sampling; 12 CSR 10-3.568; 12/1/05
successor liability; 12 CSR 10-101.600; 10/3/05
when a user has sufficient nexus; 12 CSR 10-114.100; 1/3/05,
5/16/05

TAX, STATE COMMISSION

appeals; 12 CSR 30-3.010; 11/15/04, 4/1/05
intervention; 12 CSR 30-3.020; 11/15/04, 4/1/05
motions, stipulations; 12 CSR 30-3.050; 11/15/04, 4/1/05

TAX, WITHHOLDING

electronic filing and payment requirement; 12 CSR 10-500.210;
5/16/05, 9/1/05

VEHICLES, ANIMAL DRAWN

equipment, alternate; 11 CSR 30-7.020; 1/18/05; 5/2/05

VETERANS RECOGNITION PROGRAM

recognition awards; 11 CSR 10-5.010; 9/1/05

VICTIMS FUND GRANT PROGRAM

applicants, eligible; 11 CSR 30-5.020; 7/15/05
contract awards, monitoring, review; 11 CSR 30-5.050; 7/15/05

WORKERS COMPENSATION

evaluation of hearing impairment; 8 CSR 50-5.060; 12/1/05

WORKFORCE DEVELOPMENT, DIVISION OF

job retention program; 4 CSR 195-3.020; 6/15/05, 11/1/05
new jobs program; 4 CSR 195-3.010; 6/15/05, 11/1/05

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